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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Elizabeth Nelson  
PO Box 1422  
WARREN MI 48090

Case No. 2:22-cv-10918

Judge: MATTHEW LEITMAN

Plaintiffs(s)  
-vs-

Magistrate: Anthony P. Patti

SERVICE TOWING Inc et al.,

FILED USDC - CLRK DET  
2022 NOV 14 PM3:51

Defendants

RECD USDC - CLRK DET  
2022 NOV 14 PM3:51

RESPONSE TO MOTION TO DISMISS #38 and/or  
MOTION FOR SUMMARY JUDGMENT

Now comes the plaintiff ELIZABETH NELSON=P and move for summary  
judgment &/or responds to MOTION TO DISMISS #38.

(Ds) DWYER, Commissioner of the Warren Police Dept., Michaels,  
Reichling, Fouts, Gauss , filed a Motion to Dismiss Doc 38. This is (P)'s response.

Per Ex 18, police dept-city Warren website "Police Department (D) Dwyer was  
re-appointed Commissioner Warren Police Dept...warren police department

mission statement “to serve... community and protect the lives, rights, and property of all..people of Warren with integrity, equality, and justice.”.

Per Facts Td 28 3<sup>rd</sup> Amended Complaint rewritten herein, policymaker D Dywer did not “protect .. lives, rights, ..property .. people of Warren w..integrity, equality, and justice”, & specifically (P)=Plaintiff=P.

P decided to protect her interest in 4 cars towed before sold thru falsified paperwork as “abandoned” by Ds exited “self-isolation”, being “at risk” “people of Warren” travel from Cuyahoga County OH, a then low covid county-to Warren-then high Covid County Macomb 5/2/20, to retrieve 4 licensed, plated, insured vehicles towed from behind privacy fence, built with warren bldg dept permit-during Covid lockdown. Cars towed because “policymaker” Ds’ Dwyer, Fouts, City attorney Michaels-Van Dyke substation commander Capt Reichling, Warren Property & Maintenance employee Gauss wrote ticket on property 5/1/20 Ex G p1-2 Td39. This violated P’s rights under US Constitution, 4,5,14<sup>th</sup> Amendment. Rather than “protect the lives”, of P Warren Citizen, P was exposure to Covid rate 7x Ex5 p 1-2 higher rate Macomb County, 16X Death Rate comparing Cuyahoga County OH, Ex 8 vs Macomb County Ex 9- & exponentially more risk of death/exposure,-since P “self-isolating” in Cleveland OH, then 52 yr old Warren citizen was “told E Mich University Dr Td39, Ex K p2 Ex 4 with P-original signature. P moves to have original signature Ex 4 apply to Td 39-Ex K Aff’t.

Policymaker Ds failed to control city workers Ds' that they: Falsify address 4 vehicles towed from. Refused P to file a police report as to towing of her 4 vehicles and falsification of address on paperwork. P alleges "custom and policy" perpetrated by (Ds') Dwyer, Fouts, Michaels policymakers. *Monell v. Department of Social Services of the City of New York*, *infra* which created.. for civil rights P to seek money damages against a city. *Pembaur v City of Cincinnati*, *infra* "Monell.. recovery.. municipality is limited to acts.. 'municipality'-that is, acts which the municipality has officially sanctioned or ordered.'....". "1<sup>st</sup> P alleges (D Warren) has an unconstitutional policy. These policies may written or unwritten, so long as .. attributed to a "policymaker." Warren has an unconstitutional policy" &/or towing cars for "blight" entering private property without search warrant "policymakers.. elected officials (Ds Fouts, Dwyer, Michaels) or those defined as policymakers by state law (Ds Dwyer, Fouts, Michaels). This.. also provides a standard of causation: if a subordinate employee is the party responsible.. deprivation of rights, the local entity may only be responsible if a certain policy was a "moving force" behind their action. This but-for standard .. 2nd a local entity may be liable .. § 1983 for unconstitutional customs and practices. .. advantageous to a civil rights plaintiff when no policymaker can be identified. ... 3) if a policymaker delegates his or her authority to a subordinate employee or explicitly approves of unconstitutional actions,.. act can be said to be "of the municipality"

by adoption. 4) civil rights plaintiff may allege deliberate indifference. .. applies to single-incident-type injustices and concerns the city or county's failure to hire, train, or supervise its employees. Deliberate indifference liability attaches when policymakers of ..local entity are aware .. risk and grossly neglect to address it. Blatant unconstitutional policies are (not) authorized by city councils.. admissible evidence proving policymaker authorization or adoption of a subordinate employee's unconstitutional action is often non-existent". Ds Dwyer, Fouts, Michaels <sup>(en)</sup> <sup>w</sup> ~~final policymaker~~ deprived P of rights under United States Constitution. (D) Dwyer, Fouts, Michaels, ~~final policymaker~~ had final authority from D City Warren concerning these acts. When Ds' Dwyer, Fouts, Michaels, ~~final policymaker~~ engaged in these acts, (Gauss, Reichling) was acting as a final policymaker for D City Warren and acts (Ds') Dwyer, Fouts, Michaels, ~~final policymaker~~ caused the deprivation of the plaintiff's rights; that is, the (Ds' Dwyer, Fouts, Michaels, ~~final policymaker~~'s acts were so closely related deprivation of P's rights as to moving force that caused ultimate injury. Person acts "under color of state law" when person acts or purports to act in performance of official duties under any state, county, or municipal law, ordinance or regulation. Monell liability is based on the acts of a final policymaker. For other bases of Monell liability, Unlawful Official Policy, Practice, or Custom. Based

on a Policy that Fails to Prevent Violations of Law or a Policy of Failure to Train. *Minnell v. Dep't of Soc. Servs. of N.H.*, 436 U.S. 658, 691. Such liability attach when official or employee who caused a constitutional violation was acting as "final policymaker." *Lytle v. City*, 382 F.3d 978, 981. "To hold a local governing body liable for an official's conduct, a plaintiff must first show ... official: (1) had final policymaking authority concerning the action; and (2) was the policymaker for the local governing body for purposes of particular act." Whether an official is a policymaker for *Minnell* purposes is a question of state law for the court." *City of St. Louis v. Primarone*, 485 U.S. 112, 123. Determination is made on a function-by-function approach analyzed under state organizational structure. A "policy" is a deliberate choice to follow a course of action made from among various alternatives by "official responsible for establishing final policy." P seeking to establish municipal liability under this theory ... demonstrate that an action of final policymaker "was the 'moving force' behind the constitutional violation P suffered." "To meet this requirement, P ... show both causation-in-fact & proximate causation." *Id.* A municipality may be liable for the acts of a final policymaker if those acts caused a constitutional violation, even if the constitutional violation occurs only once. *Pemberton v. City of Channahon*, 475 U.S. 469, 478 municipality is also liable if a policymaking official fully delegates discretionary authority to a subordinate, and subordinate uses that discretion. *City of St. Louis* *Id.* Official

may be found to have been delegated final policymaking authority when the official's discretionary decision is unconstrained by policies not of that official's making and unreviewable by the municipality's authorized policymakers" See Ex 15 10/12/22 Detroit Free Press "This video is sickening, ...Detroit teen punched, kicked by Warren Police" Warren Police kick black youth. (Ds') Dwyer, Fouts, Michaels condones this illegal behavior, &/or § 1983 for unconstitutional customs and practices. warren police chief D Dwyer mission statement Ex 18 p 3/8:

"Professional .. members..Department will conduct themselves in a manner that is consistent with professional standards for performance, .. standards ..adherence to our mission (4/8) and other core values. We perform our roles ethically .. integrity as we represent Warren Police Department, ." (Ds) Dwyer, Fouts, Michaels, Reichling, Gauss involved in (P) facts does not comply w Warren police dept mission statement. P avers (Ds) Dwyer, Fouts, puts same on paper, but "custom and policy" does not train officers to adhere to Mission Statement.

(Ds) Dwyer, Fouts, Michaels, Gauss, Reichling, allege a 1<sup>st</sup> time defense of "blight" abandoning "MI Abandoned Vehicle defense" "Warren City Ordinance Sec. 2.5-7 (Ord. No. 80-731, Sec 1, 8-11-15)" Doc 41 filed 10/10/22 @ pg. 4, Codes not annexed Td38 Motion to Dismiss or any Ticket with P.name on. "The purpose .. ensure compliance Warren Code of Ordinances designated as blight violations. "previous enforcement mechanisms were not ensuring blight

violation code compliance”, hence “Sec 2.5-7 Ord. No. 80-731, ..read *in para materia* with the previous Ord. 8-11-15 Sec. 2.5-2. - Definitions. *Blight violation*. A violation of a provision of the Code of Ordinances, including appendices, which is designated as a blight violation.”

P states unconstitutional-since “blight” is never defined so as a person would understand “blight” under “void for vagueness” doctrine. Or absent a definition, common meaning “blight” must be accepted. “The void-for-vagueness doctrine ..uncertain laws, whether criminal or civil, violate due process and cannot be enforced. .. based on individual rights and one based on constitutional structure” “Definition. ..criminal law, a declaration ..law is invalid because it is not .. clear. Laws are .. found void for vagueness if, .. punishment, law does not specify what is required or what conduct is punishable” “ Vague laws raise problems with due process”. Connally v. General Construction Co 369 U.S. 250. Law is unconstitutionally vague when people “of common intelligence must guess at its meaning.” .. unduly vague it raises problems under Due process guarantee, ..applicable to federal government 5..14<sup>th</sup> Amendment”. Definition “blight” is a violation of criminal statute, .. “up to 93 days”. 2<sup>nd</sup>-if statute not define a word, “blight” everyday meaning must be used. “Words .. everyday meanings” Canons Construction Galia Gardner. 3<sup>rd</sup>, criminal statute, “rule of lenity” applies

“principle of criminal statutory interpretation .. requires a court to apply any  
 unclear .. law in the manner that is most favorable.. defendant.” In re  
 “blight” definition to not include licensed, plated, insured vehicles. <sup>Fouts (EN)</sup>  
*Holloway v. United States*, 526 U.S. 1, 21 Statute cited Ds’ Dwyer, thru his  
 policy making authority as Police Commissioner Td39 ExQ-previous  
 Warren police Commissioner Nichols contract p 5 “Police Commissioner  
 ,..head of Police Dept, shall organize and conduct the affairs ..dept for the  
 preservation of quiet and good order of the city and the safety of persons and  
 property therein..it is the policy..” i.e. D Dwyer “policymaker”- nowhere  
 allow D Reichling, Gauss enter private property to remedy “undefined”  
 “blight” violation-which under their definition includes licensed, plated,  
 insured vehicles during Covid lockdown. “If the alleged violator was  
served proper notice” (P) never served Notice infraction, being renter  
 7568 Hudson -any notice US Constitutionally defective under 4, 5, 14<sup>th</sup>  
 Amendments not include P name owner 4 cars 5/1/20. Ex A, Td 39 drivers  
 license listing 7568 Hudson Warren, Td 39 Ex C lease. Ex4 Afft P Ex K p  
 1-2 Doc 39 WHO (World Health Organization) declared covid a  
 Worldwide Pandemic 2/20 Ex 1 Ds’ Michaels, Dwyer, Reichling, Fouts,  
 Gauss, did not delineate this -as cars could have belonged to multiple  
 parties not listed in any alleged ticket in violation of Supremacy Cl United



## States Constitution: A

“Blight” means areas .. with obsolete or inadequate infrastructure, ..building structures are dilapidated”. As a matter of fact/law, cars do not meet the definition of “abandoned vehicles”, .. *or blight (EX) misdemeanor (90) days.* Ex 23 (D)..

Fouts prepares for influenza..covid, dated 2/26/20, 10 days before any alleged hearing. Pg 3, "Our residents can feel at ease knowing that their health and well-being is now and always will be my number one priority. my administration, beginning with Police Commissioner (D) Bill Dwyer.. are working to ensure your safety..". (D) Dwyer (D) Warren police officers Reichling: are not "D Dwyer..working to ensure your safety..", Ex 23, pg 3, (D) Mayor Fouts Press Statement 2/26/20. P was exposed a minimum 7X increased Covid exposure rate, 16x more likely to die as calculated *infra*: New York Times data collected from state Health and County Health Departments. Per Ex 5 "May 2, 2020" when (P) left Cuyahoga County, OH, New York Times Tracking Coronavirus "Daily Average 63.." cases, of COVID 19. Per Ex 5 pg 5 pg 2, "May 2, 20, "Daily

average (deaths) 3.4 New Deaths 0", Cuyahoga County, Oh. Per Ex 12, Cuyahoga County Pop. 1.241 million 2020. Per Ex 11, Macomb County Population 870,893 2020, Ex 6 Macomb County "May 2, 20: "Daily Average 77" Covid cases. Hence, Macomb, with 1/3 less population- had+14 new Covid cases day 5/2/20 than Cuyahoga County. Per Ex 5 pg. 2, "May 2, 20 Daily Average 3.4 New deaths 0" Cuyahoga County. Per Ex 9 "May 2, 20 Daily Average 16 New deaths 11" Macomb County, showing increased risk (P)16X Death Rate-adjusted 30% more population. P was "self-isolating" Cleveland having to exit single family home creating infinite increase in Covid exposure. Ds' Dwyer, Fouts, Michaels, Captain Reichling, Gauss should have as MI abandoned statute reads, ran plates, vin, and determined owner 52 yr old (P) "at risk" individual as defined by covid emergency orders, Ex 25 4/2020 Dept of Human Services guidelines, and if they did not "egg shell" theory tort law applies:"

**Torts.** Under eggshell-skull rule,..defendant is liable for all injuries caused by his tortious conduct, even if the plaintiff suffers an unusually high level of damage (*e.g.*, due to a pre-existing vulnerability). The rule is supported by the axiom that "a defendant must take a plaintiff as he finds him."

Vosburg v. Putney, 80 Wis. 523 .. seminal case on the eggshell-skull rule. Prosser, Handbook Law of Torts § 43, at 261 Restatement 3d of Torts:

Liability for Physical and Emotional Harm, § 31, Ex 25 4/20 Dept Health Human Serv “staying at home during coronavirus crisis ‘to avoid being exposed to the coronavirus, it is important for everyone to stay at home during the coronavirus crisis.. immune systems weaken with age, making it harder to fight off infectious diseases. Cancer treatment (which P had Beaumont Grosse Point) ... weaken the immune system can also make it harder for the body to fight off the virus..stay home”. Ex 26 (D) Fouts covid “The health and safety of residence is our priority..”. Yet (Ds) Fouts, Dwyer, Michaels policy-makers actions “health and safety of residence” did not apply to (P). (D) employees, police (Ds) Gauss, Michaels, Reichling, were out towing cars off private property, via (Ds) Dwyer, Fouts, Michaels, via their policy. Td 39 ExL) Affidavit landlord, tenant para 7-8 said Warren police were involved in the 5/1/20 4 car towing, 2<sup>nd</sup> towing 7/7/21 towing (P) Honda-affiant witnessing. Td39 Ex P pic of markings on Honda “WPD”=Warren Police Dept. 1<sup>st</sup> towing 5/1/20- 4 vehicles, as alleged “abandoned”, per (D) defense to court, 2<sup>nd</sup> towing as “blight”, 7/7/21. See Ex Z Governor Whitmer orders Td39, Ex 3 2020 in effect 1<sup>st</sup> towing 5/1/20 Temporary requirement to suspend activities that are not necessary to sustain or protect life Covid.. *can result in serious illness or death. ..Older adults and .. chronic health conditions are at particular risk, and there is an*

increased risk of rapid spread of covid.. close proximity to one another”

Td39 Ex Y “willful violation of this order is a misdemeanor” Ds Fouts, Dwyer, Michaels, Reichling, Gauss were in violation gov emergency orders Td39 ExZ. D mayor Fouts orders Td39 ExY adopting gov orders. (P) Mi resident 7568 Hudson Ave Warren Mi, Td39 Ex A, Driver’s License Td39 Ex C Lease-P lease residence (home=4<sup>th</sup> Amendment) includes adjacent lot 7560 Hudson fenced Td39Ex D-pic fence, Doc 39 Ex B p1-2 conveyance.. 7560 Hudson PID #13-333-278-008. Td39 Ex D, ExA Td1, pic sent to D Michaels “uploaded .. May 01, 2020, 10.05 AM” cars-Sentra, Mazda B4 towing. Other 2 vehicles not pic on adjacent lot. Td39 Ex E p 1-2-title Mazda, Mazda Ex 2 Pic. Td39 ExF “Evidence of Coverage Mi No Fault Insurance” 4 cars.

Td39 Ex G,-pic ticket wrote by D Gauss 5/1/20 7568 Hudson re tenant= eviction stayed because of Covid and “harboring in place” telling tenant to leave when Covid raging, proving D Gauss @ scene 5/1/20 when cars towed.

P Honda was towed from behind, 7/7/21 damaging paint without notice or “opportunity to be heard”, violated 4, 14th Amendment US Constitution. Ex H Td39 article shows Mayor Fouts “personally involved”, See “promises kept” from Warren Website. *Chupa v Morceri, Fouts, et al.*, Case #2:06-cv-12584, complaint para 30. “Defendant Fouts’ action.. was wrongfully motivated by defendant Fouts’

desire to use municipal power to harass and injure plaintiffs”, showing Fouts “custom and policy”. (P) 7/7/21 car towed “operable” Td39 ExK Afft P Ex 4 p1-2, Td39 ExJ-landlord afft contrary to court order tow “inoperable vehicles” entered after vehicle towed. Td39 Ex I: Pic Car Speedway after left D Service Towing Inc tow yard. Td39 Ex J court order dated 7/7/21 entered same day Honda towed, Td39 Ex J Afft landlord para 3 “tow employees said ‘Honda cannot be towed without damaging it because it is at an angle behind the house (7568 Hudson”, then towed. Td39 Ex J Afft affiant states “he was not in court 7/7/21”. P in hospital 7/7/21, Td39 Ex K Afft-& attached Ex 4, cannot be deemed to have “constitutional notice” alleged order by court 7/7/21 entered same day as car towed. Ds where aware other tenants in property and did not ascertain who owned Honda before tow. Ds’ Michaels, Gass, Reichling, Dwyer did not give P “notice and an opportunity to be heard, .. right to procedural due process.” *Thompson v Ashe*, 250 F3d 399, 407 CA6 *Mullane v. Central Hanover Bank & Trust Co.*, 339 US 306 “Notice must be reasonably calculated...inform interested parties of a pending action ...opportunity to respond” Ds’ Gauss, Michaels, Reichling, Dwyer, Fouts, Doe police to go tow cars off private property, 5/1/20, when covid raging, state, city under emergency orders “stay at home” Gov Emergency Orders Ex 3 pg 1-3, Ex Z Td39 Ex 30 p 1-8 D Fouts 2/26/2020 Emergency Orders

Warren Courts open, and “custom and policy” in Warren is to write a ticket on the vehicle or any alleged infraction, and then a court date is set. D Fouts Facebook (FB) pg inciting Ds’, to attack “blight”. Ex H p 1-2 Td39 D Fouts FB “personally involved, personally liable” as policymaker “ city of warren - State of the City .. June 24th, I promised ..Warren landlords ..tickets for *blighted* homes . . violations International Property Maintenance Code and a Td39 Ex J *NILI v City of Warren*, 2015 ED MI Court opined International Property Maintenance Code was illegally applied by City of Warren, (D) Fouts (D) City Council-for failing to have an appeal process among other things. This is 7/7/21 towing of P 2008 Honda without NOTICE, when P in Macomb Ascension hospital. FB post states “blighted homes”. Td39 ExP windshield P towed Honda 7/7/21, “blight”, WPD=Warren Police Dept including D Dwyer-policymaker. Td39 Ex Q standard Warren Police Commissioner contract gives (D) Dwyer “policymaking” authority over Warren Police Dept. oxford definition of blight: “vacant properties are a blight on neighborhood” P Honda does not fit definition “blight”, windshield. Td39 Ex P, Ex2 pic 2012 Mazda towed. Td39 Ex K-Ex 4 hereto Aff’t P avers facts are true under oath. Cars towed by Ds’ Service Towing Inc, et al no “probable cause” per 4<sup>th</sup> Amendment US Constitution, no search warrant: “right of people to be secure .. persons, houses, papers, and effects, against unreasonable searches..seizures, shall not be violated, .. no warrants shall issue, but upon probable cause” Td39 Ex A

Driver's License, Ex C, lease, P home. No "procedural due process" as to "notice and an opportunity to be heard" in re taking vehicles 4, 14th Amendment of US Constitution City Warren thru policymakers Ds' Fouts, Dwyer, Michaels, employee Gauss knew or should have known had they been properly trained "lack of training" towed vehicles was in violation of US Constitution 4, 5, 14 Amendment 5/1/20, Ds 'Gauss, Reichling, entered property 7568 Hudson Ave & adjacent lot (7560 Hudson Ave) owned by the same entity combined into 1 lot and towed 4 vehicles after entering property, para 1, D Gauss wrote ticket tenant to leave property for occupying a posted vacant structure. this shows D Gauss were aware tenants were in property Td39 Ex G pg 1-2. P owned cars, a renter lease agreement =home Td39 ExC lease, ExA, ExD insurance papers Td39 Ex E p1-2 Title Mazda, Ex 2 Pic Mazda, Ex 17, SAFEAIRBAG.COM, "our records, you have 3 registered vehicles linked to your address.. 7568 Hudson Ave" Federal Dept Transportation, knows (P)'s address "airbag safety recall". Td1 Ex A pic 5/1/20=2 vehicles parked @ 7568 Hudson Warren B4 towing D Michaels was contacted per "custom & policy"-shown pic Td1 Ex 1 & said "tow off private property, see bottom of Td1 Ex A, 5/1/20 10.05 AM. D Reichling assisted with towing-or sent warren police doe officers to location, thru "custom and policy" of D Dwyer. US constitution does not allow city of warren Gauss, Reichling to enter private property to inspect vehicles VIN or tow vehicles or to call, conspire with (d) service towing inc, et al

Ds & tow vehicles off private property without court order or take personal property. Gov Ex 3 pg 1-4 , D Fouts, Ex 30 pg 1-8 issued emergency orders covid pandemic. Gov “emergency orders” did not suspend US Constitution. Td39 ExV: City of Warren received 3.5 % of its budget from forfeiture. Ds, Reichling, Gauss should have reviewed falsification 5/1/20 when vehicles towed and reviewed paperwork and should’ve informed <sup>EN</sup>Gauss, Michaels after running VIN #'s 4 vehicles were properly titled, plated-Ex D: Td1 Registration Silverado, Ex E Td1 owner P. §1983 for unconstitutional customs & practices. D Reichling doing statutory duty running vin #'s before towing would show owner P 52 yr old woman considered “at risk’ during covid-gov emergency order. Per Ex B Td 1 petition for hearing on abandoned vehicle p. 2 MCL 257.252 “Before determining ..vehicle... is abandoned, police check to see if it is reported as stolen”. Ex B Td1 “Complaint Number 20-18750” yet still allowed 4 cars towed either by “failure to train” or entering conspiracy private tow parties Ds’, or ‘deliberate indifference”.

P has US Constitutional right due process cl 5, 14<sup>th</sup> Amendment file police report since physical paperwork shown Doe Warren police officer, Reichling, address falsified to fit statutory definition abandoned vehicle Mi law. Doe officer was going to file police report but overridden officer 2. This “failure to report a crime” 5/1/20 when initial cars were towed and again on or about 7/21 attempt to file police report. D Gauss Td39 Ex G pg 1-2, ticketed tenant 7568 Hudson 5/1/20



“illegal occupation” of structure, when gov, D Fouts stayed evictions, exposing failure to train actions by Ds’, deliberate indifference by policymakers Ds Fouts, Michaels, Dwyer. P avers Petition for hearing on abandoned vehicle Td1 ExB is *void ab initio* since caused to issue via falsified paperwork, falsified address

*257.252a abandoned vehicle" means ..vehicle .. private property without consent owner. (b).. public property ..48 hours, or on a state trunk line highway"*

Discovery needed to ascertain if D Reichling 5/1/20 ran Vin #'s determined P owner following law Td 1 Ex D, E Registration had he been properly trained & not towed cars City of warren website “health and safety of our residents is our priority. it is of utmost importance .. residents informed ..unprecedented times” city of warren covid” approved by (D) mayor Fouts”. Actions of Ds’ P life was endangered by state actors creating a situation where P had to decide to recover \$30G cars-or travel from low covid risk county OH to high covid risk county MI to retrieve P cars-enter Service Towing Inc., exposing P to covid Ex 30 D Fouts 2/26/2020 orders name D “Dwyer” conferring w/ D Fouts re covid. Ds’ Service Towing Inc, et al., had 6 in x 4 inch sign on window “1 person in office” but Ds Service Towing Inc employees not enforcing sign allowing anyone enter 7’x7’ waiting room. When helper retrieve vehicles 2 people in office, exposing P to higher incident covid in process. I.e., had helper contacted covid in waiting room would’ve exposed P. D Fouts is “personally liable”, “personally involved” in

decisions running City of Warren. 6/21 Fouts state of city address Td39 Ex F, "get absentee out of state landlords", Td39 Ex G newspaper landlord "arrested" after D Fouts said "target out of state landlords" 7/7/21 P Honda towed parked behind 7568 Hudson. Ds' violated P's 42 USC§ 1983, 1985-4,5,14 amendment violation US Constitution to be free of unconstitutional search & seizure 5/1/20, 7/7/21. Ds all times relevant to action acting under color of state law. Ds Reichling, Gauss via custom and policy acting thru policymaker Fouts, Dwyer, Michaels made an unreasonable & warrantless seizure of P property, tow 4 vehicles, violating 4,14<sup>th</sup> Amendment US Constitution. At all times Ds' Dwyer, Michaels, Fouts acted pursuant to "policy or custom" in depriving P of 4 cars 5/1/20, 7/7/21 personal property without court order or opportunity be heard, acting in individual capacities in conspiracy &/or concert with private parties. D city of warren failed to adopt clear policies, failed to properly train its employees Ds Gauss, police Reichling removing vehicles from private property during covid emergency.

Ds' taking P vehicles caused P "at risk person" leave low covid Cuyahoga County OH to come to high Covid county Macomb MI, exit "self isolation" 7x+ covid exposure rate, 16x+ covid death rate, retrieve cars endangered P's life violates 42 USC Sec 1983, 1985,1988 in violation gov emergency orders, D Fouts emergency orders "P can ..invoke federal court jurisdiction.. suffered .. *threatened* or actual injury resulting from .. putatively illegal action." *Linda RS v*

*Richard D*, 410 US 614, 617, Fouts, Dwyer, Michaels, Gauss, Reichling ignored Gov emergency covid orders towing "threatened ..injury resulting from putatively illegal action" *Linda RS id.*, violated P due process, 4,5,14<sup>th</sup> Amendment US Constitution. Ds' violated P US Constitutional rights Due Process Cl 4, 5, 14<sup>th</sup> Amendment when address falsified on paperwork submitted Mi Sec State give Ds' alleged authority tow vehicles 5/1/20, & failed to allow P to file police report. P ask for order Ds' policymakers Fouts, Dwyer, Michaels violated P US Constitutional rights Due Process Cl 4,5,14<sup>th</sup> Amendment ensures no party will be deprived of property without notice and an opportunity to be heard" *Fuentes v Shevin*, 407 US 67, 80, protection of property ..extended to "any significant property interest", "uninterrupted use of one's vehicle.. property interest, .. before 'local government may so interrupt its use, owner is entitled to due process' *Bell v Burson*, 402 US 535, 539. P states 4 vehicles towed off private property registered, titled, plates, insured without notice, courts open without court order is an improper seizure prohibited by 4th Amendment. .. include protection of privacy against arbitrary invasion US v *Ortiz*, 422 U.S. 891, "*Jacobsen*, 4<sup>th</sup> Amendment protects 2 types of expectations, involving 'searches,' .. other 'seizures.' A 'search' occurs.. expectation of privacy .. society.. is infringed. .. 'seizure' of property occurs ..interference ..individual's possessory interests" 4,14 Amendments Due process cl

§ 1983 for unconstitutional customs and practices. P avers “outrageous conduct” in concert &/or conspiracy with Gauss, Reichling, Dwyer, Michaels, city warren. Per complaint facts Ds’ violated Ps Constitutional rights US Constitution, 5, 14<sup>th</sup> amendment, Due Process Cl 42 USC 1983, 1985, 1988. “42 USC 1983 imposes civil liability ..person acting under color of state law who deprives another.. rights, constitution” *Kallstrom v Columbus*, 136 F3d 1055, 1060 6CA “state ..not..greatly increase..risk of harm .. citizens without due process of law through its own affirmative acts” *id* 1066. P claims Ds’ Gauss, Dwyer, Fouts, Reichling, Michaels, Warren actions were liable for (P) increased “state created danger” theory of liability. “liability under state-created-danger theory ..affirmative acts by state which either create or increase ..risk ..individual will be exposed to private acts of danger” *id*. “to bring a ‘state created danger’ claim,..show: ‘an affirmative act by state.. either created or increased risk (P) would be exposed to an act.. (2) a special danger to (P) wherein state’s actions placed (P).. at risk, .. affects..public at large; 3) state knew or should have known..actions .. endangered (P)” *Jones v Reynolds*, 438 F3d 685, 690 6CA *Harlow*, 457 US @ 818). *Kallstrom*, “an individual’s ‘interest in preserving her life .. constitutional dimension.”” *Id* 1063 Ex3 gov emergency orders, covid, Ds’ Michaels, Fouts, Dwyer, Reichling knew or should have known towing 4 vehicles cause P exit self-isolation, violate Ds’ Fouts, Gov “emergency orders” to retrieve cars or lose exposing P to “state created danger”,

“1) affirmative act by state (employees) .. either created or increased risk (P) would be exposed 2)..special danger to (P)..state’s action placed (P).. at risk”, *Cartwright v City of Marine City*, 336 F3d 487, 493 CA6. Ds’ were aware of Covid, 5/1/20, Ds’ Fouts entering “emergency orders”, Ex 23 Fouts 2/26/20 Press Release re covid. D “Dwyer” gov orders “self-isolation” cause P exit self-isolation, retrieve cars. Ds’ policymakers Michaels, Dwyer, Fouts, failure to train Reichling, Gauss. . Per Ex 5 “May 2, 2020” when (P) left Cuyahoga County, OH, New York Times Tracking Coronavirus “Daily Average 63..” cases, of COVID 19. Per Ex 5 pg 5 pg 2, “May 2, 20, “Daily average (deaths) 3.4 New Deaths 0”, Cuyahoga County. Ex12, Cuyahoga County Pop. 1.241 million 2020. Ex 11, Macomb County Pop 870,893 2020, Ex 6 Macomb County “May 2, 20: “Daily Average 77” Covid cases. Hence, Macomb, with 1/3 less population-had+14 new Covid cases day 5/2/20 than Cuyahoga County. Per Ex 5 pg. 2, “May 2,20 Daily Average 3.4 New deaths 0” Cuyahoga County. Per Ex 9“May 2,20 Daily Average 16 New deaths 11” Macomb County, showing increased risk (P)16x+Death Rate-adjusted 30% more population. P was “self-isolating” Cleveland. Ex 22 Cuyahoga County Exec Budish, “Summer 2020..Covid..Cris is ..worst crisis we have lived through..”. Ds’ endangering P life thru their actions, “§1983 for unconstitutional customs and practices”. See D Fouts 2/26/20 Press Release Ex 23, “We have implemented a public health management decision making training for

all Police...Covid (p3) Our residents can feel ease knowing that their health and well being ...will be my number-one priority...beginning with Police

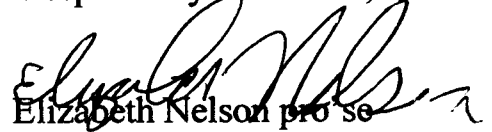
Commissioner ..Dwyer.. ensure your safety”. & or § 1983 for unconstitutional customs and practices of Ds’ policymakers Fouts, Dwyer. See Td39 Ex Q p3 See 7.3 Duties of the Mayor D Fouts, “enforcement of ordinances ..of the council..”

Per facts Ds violated P US Constitutional rights Due Process 5,14 amendments to make police report if laws broken. 7/21 P attempted make police report @ station D Reichling concerning “falsification” address 4 vehicles were towed. Police officer Doe Complaint #20-18750 Td1 Ex B Pet for Hrg. This “failure to report a crime” 5/1/20 cars towed & 7/21 attempt file police report violated P Constitutional Due Process to “procedural due process” right “report a crime”, file a complaint. Gov Covid Order 4/30/20 “spread .. virus is for people to stay home and keep their distance from others. .. hold on evictions’ Gauss Ex G Td39 ticket tenant 7568 Hudson - in violation of gov orders- tenant eviction Td39 ExU, annexed hereto Tsp Ex19#206101LT stayed 3/20 pandemic emergency orders Td39, Ex Z gov emergency order No. 2020-70 in effect when cars towed 5/1/20. Did falsifying address Td1 Ex B,C, Td39 ExW rise to Due Process violation 5, 14<sup>th</sup> Amendment US Constitution. Falsification is imputed to Ds’ Dwyer, Fouts, Michaels via lack of training, custom and policy, deliberate indifference.§1983 for unconstitutional customs & practices. ExA Td 39 P address license 7568 Hudson

Warren =address 4 cars towed & address Sec of State cars registered ExB,C,D Td1,ExE p1-2, ExWp1-3. Per Aff't P Ex 4 pg 1-2, Td39 Ex K pg 1-2, did P have Due Process, right to file a police report 7/21 re falsification of address, *Monroe v Pape*, 365 US 167, 174-76 Supreme Court held .. non-state actors can, ...engage in conduct under "color of State law," ..subject to liability under..1983 where they "act jointly" or conspire with state government officials. *Brentwood Acad. v Tenn Secondary Sc. Ath Ass'n*, 531 US 288, 296 "finding liability..criminal law 1983, acting in "conspiracy", "jointly". At all times policymakers Ds Fouts, Michaels, Warren, Dwyer, acted pursued policies, practices, deliberate indifference ..direct and cause of unconstitutional violations. Policies include, Dwyer, Fouts, Michaels failure to supervise, Ds Reichling, Gauss. Ds' Fouts, Michaels, Dwyer have policy making authority Warren #2:21-cv-10446-DPH-APP ECF No. 1, PageID.18 Filed 2/26/21 p 18/26 Warren to implement proper training for Warren police officers, city workers. Warren historically failed to train *Moldowan v Warren*, 157 F3d, 351, 393-394 6CA Warren imputed to policymakers Ds' Dwyer, Michaels, Fouts, *Monell v Dep't of Soc. Servs of NY* 436 US 658, 691 "liability attach when official .. caused a constitutional violation acting as "final policymaker", i.e. policymakers Dwyer, Michaels, Fouts directing grills be seized, tow cars via policy by D Gauss, Reichling. P grills taken 5/1/20, 7/7/21, Td39 Ex DD, Warren Weekly 4/21, grills legal in Warren, contrary D Fouts wishes D Gauss, continue to seize grills, in

violation of 4.21 Warren Ordinance passed by Warren City council. & or § 1983  
for unconstitutional customs and practices of Ds'

Respectfully submitted,

  
Elizabeth Nelson pro se

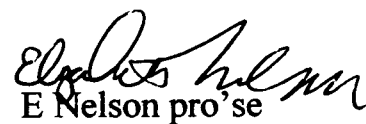
**CERTIFICATE OF SERVICE**

A copy of this motion has been served on all counsel for defendant's 1<sup>st</sup> class mail  
with tracking this 11/10/2022 to:

Rachel Selina (P85430)  
255 E Brown St Suite 320  
Birmingham, MI 48009

Jennifer Mead (P57106)  
PO Box 165  
Keego Harbor, MI 48320-0165

Scott Damich (P74126)  
PO Box 30754  
Lansing, MI 48089

  
E Nelson pro se



## INDEX OF EXHIBITS

Exhibit Name	Exhibit Number
COVID Time Line    pages 1-6	1
Lease of Plaintiff    Td 39 Ex C	2
Governor Whitmer Order 3/23/2020 (Td 39 Ex Z)	3 pg. 1-4
AFFIDAVIT OF (P) ELIZABETH NELSON Ex K Td 39	4
TRACKING CORONAVIRUS IN CUYAHOGA COUNTY, OHIO	5
Average cases in Cuyahoga County, Ohio May 2, 2020 Daily Average 3.4, Deaths 0	5 pg. 2
Tracking coronavirus in Macomb County, mi 5-2-2020 Daily Average 77	6
AVERAGE CASES IN CUYAHOGA COUNTY, Avg. Test Positivity May 1, 2020 10.6%	7
AVERAGE CASES MACOMB COUNTY    Avg. Test Positivity    May 1, 2020 13%	8
Macomb county daily average 16,New Deaths 11 May 1, 2020-compare Ex 5 p 2-	9
2020 POPULATION MACOMB COUNTY MI 870,893	11
2020 Population Cuyahoga County                      1.241 million	12
Code of Ordinances Warren Mi Sec 2.5-1 et seq	13 pg. 1-4
GENERAL CODE OF ORDINANCES WARREN MI Sec 9.1 et seq Penalty	14

10/14/22 Detroit Free Press	15
EXPENSES PACER \$129.80	16
AIRBAG SAFETY RECALL TO (P) @ 7568 Hudson Ave Warren Mi 48091	17
WARREN POLICE DEPATRMENT MISSION STATEMENT -William Dwyer	18
Td 39 Ex U Tsp of tenant eviction hearing Case 206101LT 37 <sup>th</sup> District Court	19
Cuyahoga County Covid 19 Crisis Summer 2020 County Executive	22
2/26/2020 WARREN MAYOR JIM FOUTS PRESS RELEASE re covid	23
CURRENT WARREN COVID 19 ACTIONS	24
APRIL 2020 Department of Health and HUMAN SERVICES	25
(D) MAYOR FOUTS PRESS RELEASE BEFORE THANKSGIVING 2020	26
Expenses	27
(D) Mayor Fouts City of Warren Covid Preparedness and Response Plan 2/26/2020 p 1-8	30

February 18, 2020

Due to the high case load and numbers of asymptomatic individuals testing positive for COVID-19, all passengers and crew of the Diamond Princess cruise ship are quarantined off the coast of Japan, placed under travel restrictions, and are prevented from returning to the U.S. for at least 14 days after they have left the Diamond Princess.

February 23, 2020

As Italy becomes a global COVID-19 hotspot, the Italian government issues Decree-Law No. 6, containing urgent measures to contain and manage the epidemiological emergency caused by COVID-19, effectively locking down the country.

February 25, 2020

CDC's Dr. Nancy Messonnier, the incident manager for the COVID-19 response, holds a telebriefing and braces the nation to expect mitigation efforts to contain the SARS-CoV-2 virus in the U.S. that may include school closings, workplace shutdowns, and the canceling of large gatherings and public events, stating that the "disruption to everyday life may be severe."

February 28, 2020

CDC reports four additional presumptive positive cases of COVID-19 in California, Oregon, and Washington: one case is likely travel-related, but three are likely due to community spread of the SARS-CoV-2 virus in the U.S.

February 29, 2020

CDC updates its Criteria to Guide Evaluation and Testing of Patients Under Investigation (PUI) for COVID-19 to any patients with a severe respiratory illness even in the absence of travel history to affected areas or known exposure to another case to prepare for possible widespread person-to-person transmission.

FDA announces a "new policy...for certain laboratories that develop and begin to use validated COVID-19 diagnostics before FDA has completed review of their emergency use authorization (EUA) requests," allowing laboratories to create tests to address testing shortages in the U.S.

CDC and the Washington Department of Public Health report the first death in an individual with laboratory-confirmed COVID-19 in the U.S. The patient was a male in his 50s who was hospitalized with a pneumonia of unknown cause and later died of his illness.

March 1, 2020

CDC creates a hospitalization surveillance network for the SARS-CoV-2 virus called "COVID-NET" to track the numbers and rates of COVID-19 hospitalizations by modifying existing respiratory virus surveillance networks that monitor for hospitalizations associated with influenza and Respiratory Syncytial Virus (RSV).

Ex 1 pl

- March 3, 2020  
CDC reports 60 cases of COVID-19 across Arizona, California, Florida, Georgia, Illinois, Massachusetts, New Hampshire, New York, Oregon, Rhode Island, Washington, and Wisconsin. Of the 60 COVID-19 infections detected, 21 are travel-related, 11 are from person-to-person spread, and 27 are unknown.
  - March 6, 2020  
The Grand Princess cruise ship is stranded off the California coast after officials learn that a California man who had traveled on the ship last month contracted COVID-19 and died. The California Air National Guard drops off a limited supply of testing kits by helicopter; more than 3,500 people are aboard the ship, but only 46 are able to be tested and 21 (mostly crew members) test positive.
  - March 11, 2020  
After more than 118,000 cases in 114 countries and 4,291 deaths, the WHO declares COVID-19 a pandemic.
  - March 12, 2020  
FDA no longer requires CDC to perform confirmatory testing for a positive COVID-19 diagnosis.
  - March 13, 2020  
The Trump Administration declares a nationwide emergency and issues an additional travel ban on non-U.S. citizens traveling from 26 European countries due to COVID-19.
  - March 14, 2020  
CDC issues a "no sail order" for all cruise ships— calling for them to cease activity in all waters that the U.S. holds jurisdiction over.
  - March 15, 2020  
States begin to implement shutdowns in order to prevent the spread of COVID-19. The New York City public school system— the largest school system in the U.S., with 1.1 million students— shuts down, while Ohio calls for restaurants and bars to close.
  - March 16, 2020  
CDC launches "Clara-Bot," a COVID-19 symptom checker, on its website.
- New and old guidelines begin circulating among state health departments for who gets critical care in the event of ventilator shortages: Massachusetts and Pennsylvania use a point system prioritizing patients by likelihood of benefitting from ICU care, while New York's 2015 plan relies on "exclusion criteria"— a list of medical conditions that would make a patient ineligible, like traumatic brain injury, severe burns, or cardiac arrest. Alabama's exclusion criteria list, released in 2010 and since removed from publication, included both "severe or profound mental retardation" and "moderate to severe dementia."

Ex 1 p 2

March 17, 2020

Moderna Therapeutics begin the first human trials of a vaccine to protect against COVID-19 at a research facility in Seattle, Washington.

The University of Minnesota launches a clinical trial testing hydroxychloroquine, an FDA-approved drug for the prevention and treatment of malaria, for the treatment of COVID-19.

The Centers for Medicare & Medicaid (CMS) temporarily expands telehealth benefits, enabling beneficiaries to receive a wider range of healthcare services from their doctors without having to travel to a healthcare facility.

March 19, 2020

CDC asks healthy people to donate blood if they are able amid a national shortage of blood during the COVID-19 pandemic.

California governor Gavin Newsom issues a statewide stay-at-home order to slow the spread of COVID-19 instructing residents to only leave their homes when necessary and shutting down all but essential businesses.

March 27, 2020

The Trump Administration signs the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The act includes funding for \$1,200 per adult (with expanded payments for families with children), expanded unemployment benefits, forgivable small business loans, loans to major industries and corporations, and expanded funding to state and local governments in response to the economic crisis caused by COVID-19.

Apple, in partnership with HHS, CDC, and the White House Coronavirus Task Force, releases an app with a COVID-19 symptom and exposure questionnaire telling people how to isolate and monitor symptoms and giving recommendations on testing and when to contact a medical provider if they believe they have contracted or have been exposed to the SARS-CoV-2 virus.

March 28, 2020

To prevent the spread of COVID-19, the White House extends all social distancing measures until through the end of April 2020.

FDA issues an EUA to allow hydroxychloroquine sulfate and chloroquine phosphate products to be added the Strategic National Stockpile for the treatment of COVID-19.

CDC distributes a Health Alert Network (HAN) warning against using chloroquine phosphate without the recommendation of a doctor or pharmacy after one person is made seriously ill and a second dies from ingesting non-pharmaceutical chloroquine phosphate (a chemical aquariums use that is commercially available for purchase at stores or online) to prevent or treat COVID-19.

CDC issues a domestic travel advisory for New York, New Jersey, and Connecticut due to high community transmission of COVID-19 in those states, urging residents to refrain from all non-essential domestic travel for at least 14 days, effective immediately.

Ex 1 p 3

March 31, 2020

At a White House Press Briefing, Dr. Anthony Fauci and Dr. Deborah Brix announce that between 100,000 and 240,000 deaths in the U.S. are expected— even if social distancing and public health measures are perfectly enacted.

The *Journal of the American Medical Association Ophthalmology* reports that COVID-19 can be transmitted through the eye. One of the first warnings of the emergence of the SARS-CoV-2 virus came late in 2019 from a Chinese ophthalmologist treating patients in Wuhan, Li Wenliang, MD, who died at age 34 from COVID-19.

April 3, 2020

At a White House press briefing, CDC announces new mask wearing guidelines and recommends that all people wear a mask when outside of the home.

CDC warns the public about phone scams and phishing attacks that appear to originate from CDC and ask for donations from individuals. This is government impersonation fraud— federal agencies do not request donations from the public.

April 4, 2020

CDC launches a new weekly SARS-CoV-2 virus surveillance report called "COVIDView" summarizing weekly data on COVID-19 hospitalizations, deaths, and testing.

More than 1 million cases of COVID-19 had been confirmed worldwide, a more than ten-fold increase in less than a month.

April 6, 2020

Hundreds of doctors and civil rights groups urge CDC and the U.S. government to release race and ethnicity data on COVID-19 case-numbers in order to reveal the true impact of the virus on communities of color.

April 7, 2020

Data from the Chicago Department of Public Health reported by the Chicago Tribune shows that despite being about 30% of the total population, Black people account for 68% of the COVID-19 related deaths in Chicago and are dying of COVID-19 at a rate nearly six-times greater than that of White Chicagoans, who account about 33% of the population and approximately 14% of deaths. These numbers illuminate for many the racial disparities of the COVID-19 pandemic in the U.S.

HHS announces \$186 million in additional funding to state and local jurisdictions for the COVID-19 response.

April 8, 2020

HHS announces first contract for ventilator production under the Defense Production Act with General Motors.

April 9, 2020

CDC modifies and extends the no sail order for all cruise ships.

Ex 1 p 4

April 10, 2020

With over 18,600 confirmed deaths and more than 500,000 confirmed cases in under four months, the U.S. is the country with the most reported COVID-19 cases and deaths, surpassing Italy and Spain as a global hot-spot for the virus.

With 159,937 confirmed cases, New York State now has more reported cases of COVID-19 than Spain (153,000), Italy (143,000), or China (82,000). Amid critical hospital bed and ventilator shortages, aerial images emerge of workers in hazmat suits burying coffins in mass graves at Hart Island off the Bronx, an area used for over 150 years by New York City officials as a mass burial site for those with no next-of-kin or who cannot afford funerals.

April 13, 2020

Most states in the U.S. report widespread cases of COVID-19.

At a White House press briefing, President Trump announces that the U.S. will cease contributing funding to the WHO, shaking the global public health community.

April 16, 2020

The Trump Administration releases a plan outlining how states should reopen, calling for states or metropolitan areas to meet benchmarks like reducing COVID-19 cases or deaths before reopening or stopping mitigation strategies (like required masking), also known as "gating

April 20, 2020

As the COVID-19 pandemic grows, shortages of personal protective equipment (PPE) like gowns, eye shields, masks, and even body bags, become dire— particularly in New York

April 22, 2020

After two pet cats in separate areas of New York state test positive for the SARS-CoV-2 virus, CDC recommends that people restrict their pets' interactions with other people or animals outside their household to prevent the spread of COVID-19.

April 23, 2020

Using funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, CDC announces \$631 million to fund and expand the existing Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC), allowing state health departments to expand their capacity for the testing, contact tracing, and containment of COVID-19.

April 24, 2020

Georgia, Alaska, and Oklahoma begin to partially reopen their states despite concerns from health experts saying it was too early to reopen.

Ex 1 p 5

April 26, 2020

Clinicians in the U.S. and U.K. report clusters of children and adolescents requiring admission to intensive care units (ICUs) with a multisystem inflammatory condition that can lead to multiorgan failure— similar to Kawasaki disease and toxic shock syndrome. This condition will become known as Multisystem Inflammatory Syndrome in Children (MIS-C), a serious inflammatory condition that affects children with current or recent COVID-19 infections.

April 28, 2020

Polls show that many people in the U.S., particularly those ages under 30 years or making less than \$40,000 per year, plan to defer medical care because of the cost of treatment due to the lack of insurance or being under-insured, potentially leading to the further spread of COVID-19, the under-reporting of case numbers, and excess deaths from COVID-19 and other preventable diseases.

April 30, 2020

The Trump Administration launches Operation Warp Speed, an initiative to produce a vaccine against the SARS-CoV-2 virus as quickly as possible. The operation funds the development of six promising vaccine candidates while they are still in the clinical trial phase, including the Pfizer-BioNTech and Moderna mRNA vaccines.

Since mid-March 2020, more than 26.5 million people in the U.S. have filed for unemployment, increasing the number of people without health insurance amid a pandemic.

## Mid 2020

May 1, 2020

FDA issues an emergency use authorization (EUA) for the use of the antiviral drug Remdesivir for the treatment of suspected or confirmed COVID-19 in people who are hospitalized with severe disease.

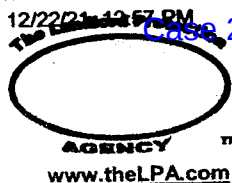
CDC develops the "PPE Burn Rate Calculator," a spreadsheet-based model made to help healthcare facilities plan and optimize the use of personal protective equipment or PPE for the COVID-19 response and publishes it on the Apple and Android App stores.

CDC launches the SARS-CoV-2 Sequencing for Public Health Emergency Response, Epidemiology and Surveillance (SPHERES), a national network to provide real-time genomic sequencing data to public health response teams investigating COVID-19 cases, allowing them to track the SARS-CoV-2 virus as it evolves.

As some countries discuss re-opening, WHO convenes the International Health Regulation Emergency Committee for a third time and declares that the global COVID-19 pandemic remains a Public Health Emergency of International Concern (PHEIC).

Ex 1 p 6





# **RENTAL AGREEMENT**

**THIS IS A LEGALLY BINDING CONTRACT.  
IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.**

The Tenant(s) known as Elizabeth Nelson hereby agree to rent the dwelling located at 1111 1st St. Wagon, MI 4806

located at 2568 Hudson Ave Lower Warren MI 48091  
The premises are to be occupied by the above named tenants only. Tenant may not sublet premises.

TERM The term shall commence on 8-1-18, at \$ 600 per month payable on the 7th of each month in full.

**LATE FEES** In the event rent is not paid by the 5th day after due date, Tenant agrees to pay a late charge of \$ 10

**UTILITIES** ~~Tenant~~ <sup>Owner (AT)</sup> shall be responsible for the payment of the following utilities: water, electric, gas, heating fuel,  
Telephone.

**APPLIANCES** Appliances provided in this rental are: stove, refrigerator, dishwasher, washing machine, dryer, air conditioner(s).  
Repairs will be born by said Tenants if damage is due to negligence of Tenants.

**SECURITY** Amount of security deposit is \$ NA. Security shall be held by Landlord until the time said Tenants have vacated the premises and Landlord has inspected it for damages. Tenant shall not have the right to apply Security Deposit in payment of any rent. Security deposits must be raised proportionately with rent increases.

**INSURANCE** Tenant is responsible for liability fire insurance coverage on premises. Tenant agrees to obtain a "Renter's Insurance" policy and to provide Owner or agent with a copy of policy within seven (7) days of lease execution.

**NOTICES** Should tenant decide to vacate the premises, a 10 day written notice to the landlord is required. Should landlord decide to have tenants vacated, a 10 day written notice is required. Tenant agrees to allow premises to be shown at any and all reasonable times for re-rental.

**REAL ESTATE COMMISSION** (If applicable) In the event a commission was earned by a real estate broker, Tenant shall not take possession of the premises unless all fees due broker are paid in full as agreed. Commission is payable when this lease is signed by the Tenant(s). It is solely for locating the rental for the Tenant and is not refundable under any circumstances regardless of any disputes or conditions between the Landlord and Tenant before or after occupancy is taken.

**ACKNOWLEDGMENT** Tenants hereby acknowledge that they have read, understand and agree to all parts of this document, and have received a copy.

	AMOUNT RECEIVED	BALANCE DUE
RENT :	<u>600</u>	_____
SECURITY:	_____	_____
BROKER'S FEE:	_____	_____

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THE UNDERSIGNED TENANT(S) ACKNOWLEDGES RECEIPT OF A COPY HEREOF.**

DATE: 9-10-2018

**OWNER/AGENT**

St Anthony the

PHONE Great Orthodox

**TENANT**

**TENANT****PHONE**

**Ex 2**

Michigan.gov  
**Whitmer****Executive Order 2020-21: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED**

March 23, 2020

**EXECUTIVE ORDER****No. 2020-21****Temporary requirement to suspend activities that are not necessary to sustain or protect life**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine or antiviral treatment for this disease.

<https://www.michigan.gov/dhs/michigan-state-orders-and-directives/2020/03/23/executive-order-2020-21>

1/14

8/16/22, 8:57 PM

Executive Order 2020-21: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible.

This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.

<https://www.michigan.gov/dhs/michigan-state-orders-and-directives/2020/03/23/executive-order-2020-21>

2/14

Ex 3 p 1

- <sup>7</sup> Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections.

514

**Executive Order 2020-21: Temporary requirement to suspend activities that are not necessary to sustain or protect life – RESCINDED**

3. To conduct minimum basic operations, as described in section 4(b), after being designated to perform such work by their employers.

**Interchangeable with your favorite brands. Order and ship to 330042. Competitive order 3320-21**

674

EX 3 p2

AFFIDAVIT OF PLAINTIFF ELIZABETH NELSON

Now comes the affiant under 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that"

Everything is true in the complaint and amended complaints and motion for summary judgment same as if rewritten herein


- 1) All exhibits are copies of originals and all facts are true in the complaint same as if rewritten herein
- 2) Affiant was in Cleveland Ohio when notified cars missing, "self-isolating" since she is deemed "at risk" for COVID 19
- 3) 4/25/20 Doctor @ Eastern Michigan told affiant "Do not come to Michigan because everything is going crazy because of COVID 19.
- 4) Affiant contacted landlord THROWER 5/2/20 who was "self-isolating" being treated for prostate cancer METROHEALTH CLEVELAND Ohio, to drive her to WARREN MICHIGAN to retrieve her 4 vehicles
- 5) Affiant was terrified to travel to Michigan and have to interact with people while the COVID 19 was raging.
- 6) On 7/5/21, affiant took an ambulance to MACOMB ASCENSION HOSPITAL 12 Mile & Hoover and was admitted for an infection.
- 7) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren Mi.
- 8) Honda was operable 7/7/21 as it was driven away from (S) SERVICE TOWING INC. see Ex I pic @ SPEEDWAY GAS STATION MOUND AFTER TOWING RELEASE
- 9) Affiant was informed by ALBERT THROWER-LANDLORD THAT Warren Police, SERVICE TOWING INC., ROBERT SCOTT, JAMES CUMMINS, AND OTHERS were in the process of towing her car having a view from the basement 7/7/21
- 10) Upon obtaining release of her car affiant notice that paint was missing Ex I where SERVICE TOWING INC., had towed her car from the rear of auto as ALBERT THROWER Ex L Affidavit heard (D) Service Towing Inc. state they had to tow (P) vehicle as same was parked behind house
- 11) When towing her car, defendants Warren Building Inspector JAMES CUMMINS, GHANAM, GAUSS, Robert Scott took her mower, WEBER grill, which pursuant to CITY COUNCIL ORDANCE 4/28/21 see Exh DD WARREN WEEKLY MAY 12, 2021, "Fire pit ordinance stands in Warren" she was allowed to have. Affiant never received WEBER grill back and affiant mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time. See Ex affiant purchased new mower from Menards
- 12) Plaintiffs 2008 HONDA was marked "blight" on the windshield by the defendants
- 13) Affiant was never served with any infraction as to her 2008 Honda, WEBER GRILL, and lawn mower when same taken 7/7/21.
- 14) (P) had an agreement w landlord THROWER mow lawn @ 7568 Hudson Ave., and defendants took her mower. Mower was later observed upside down in landlord

Td 39

EX K

EX 4

- 15) THROWER vehicle when 2011 Silverado-also towed was released from (D) SERVICE TOWING INC.
- 16) Mower would not start-in spite of working before, and had to be scrapped @ GLS Scrap yard, Sherman Ave Warren MI- see Pic O of mower @ GLE scrap yard
- 17) Affiant purchased a new mower @ MENARDS 21 Mile, receipt annexed hereto as Ex BB
- 18) Affiant avers that she was in MACOMB ASCENSION HOSPITAL 7/7/21 when 2<sup>nd</sup> towing took place. Landlord Thrower called Affiant from basement (as admitted to by (D) Scott, (D) Mayor Fouts Ex L and (P) -affiant heard screaming "I WANT THAT HONDA TOWED"!
- 19) All expenses are correct as annexed to this motion
- 20) Affiant was terrified of (D)s' and that her 4 cars would be towed again 5/2/20 and had to transport same to CLEVELAND OHIO where they would be safe incurring expenses.
- 21) If (Ds) had not towed cars, affiant would not have transported 4 cars to OHIO.
- 22) 5/1/20 1<sup>st</sup> two cars behind duplex Ex D pic =The other 2 cars- 2012 MAZDA 5 Grand Touring, 2009 Silverado were to the right of the pictured cars behind the security fence Ex N before towed 5/1/20.
- 23) About 7/30/21 affiant went with landlord Thrower to Warren Police substation Van Dyke to make a police report on the falsified address 7528 Hudson Ave
- 24) Pursuant to Title 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the affiant avers under the penalty of perjury that everything is true  
9/26/2022

  
Affiant Elizabeth Nelson

**Td 39**

Ex K p 2

**Ex 4**

**EX 4**

U.S.A.

World

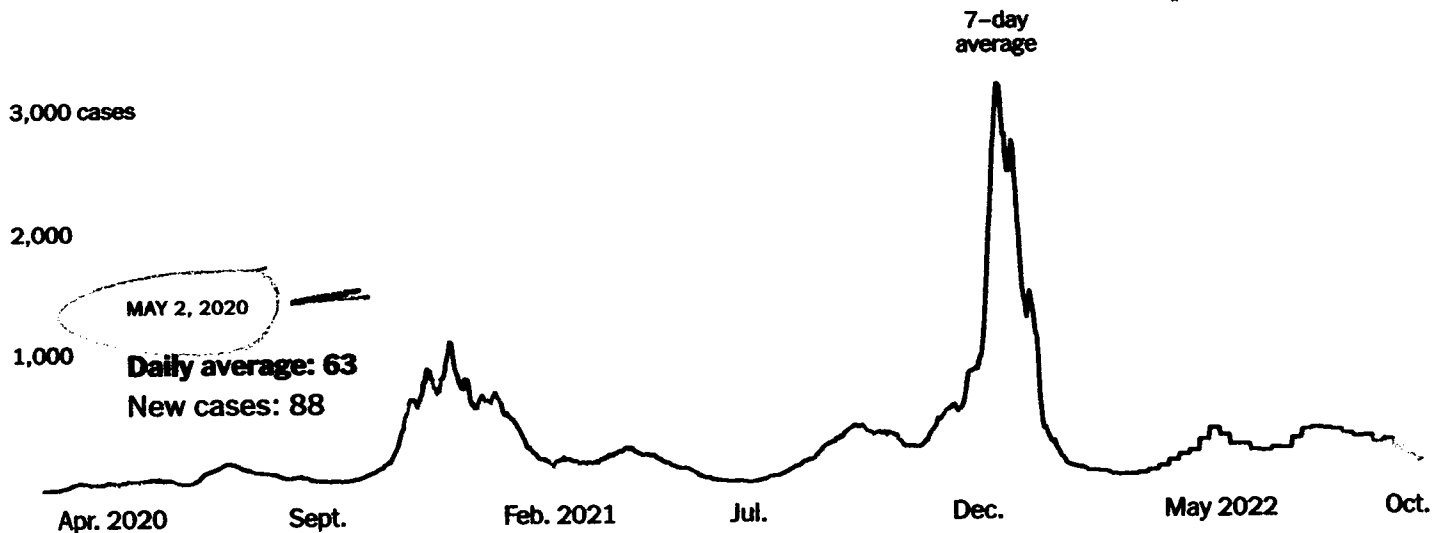
Health

# Tracking Coronavirus in Cuyahoga County, Ohio: Latest Map and Case Count

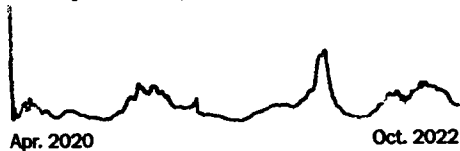
Updated Oct. 12, 2022

## New reported cases

All time Last 90 days



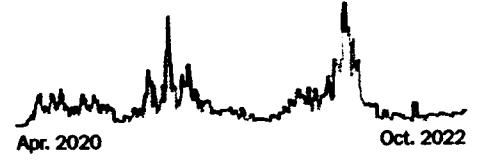
Test positivity rate



Hospitalized



Deaths



DAILY AVG. ON OCT. 11

PER 100,000

14-DAY CHANGE

Cases

138

11

-43%

Test positivity

8.1%

—

Hospitalized

239

19

-13%

Deaths

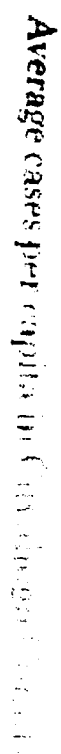
2

<1

+40%

[About this data](#)

Ex 5



10/12/22, 10:39 PM

Macomb County, Michigan Covid Case Tracker - The New York Times

**The New York Times**<https://nyti.ms/39jvJEY>

U.S.A.

World

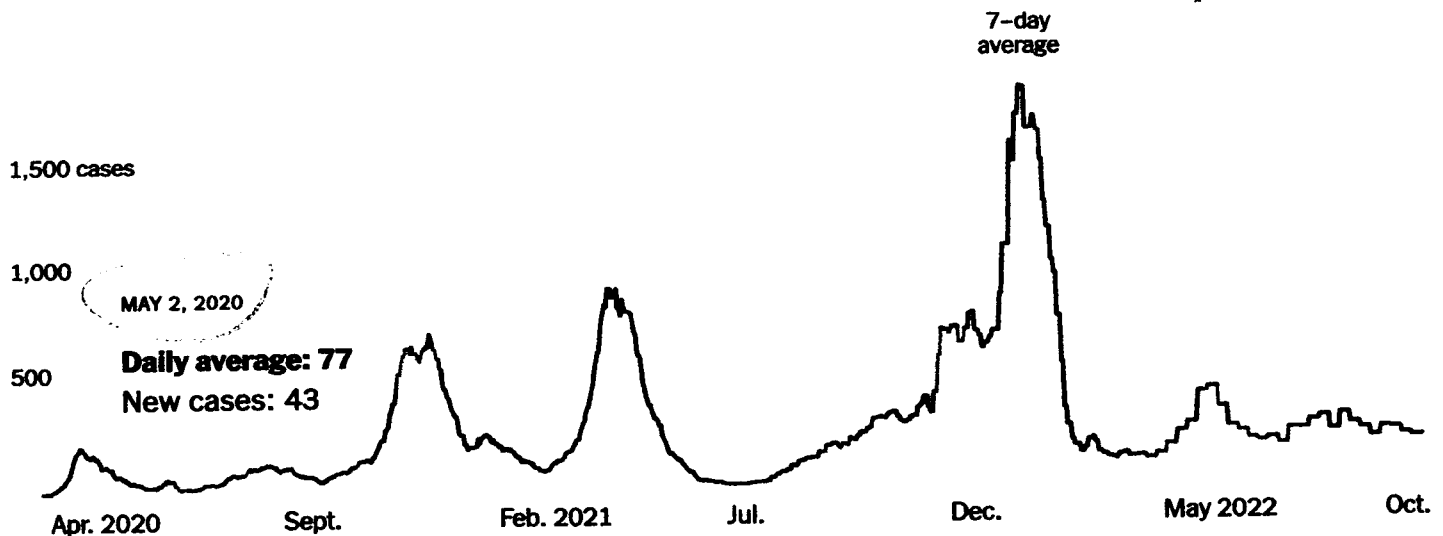
Health

# Tracking Coronavirus in Macomb County, Mich.: Latest Map and Case Count

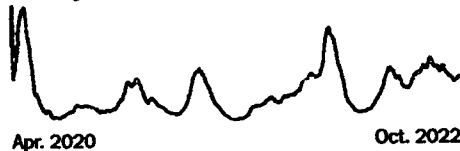
Updated Oct. 12, 2022

## New reported cases

All time Last 90 days



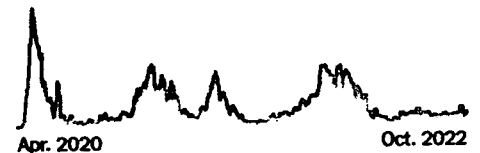
Test positivity rate



Hospitalized



Deaths

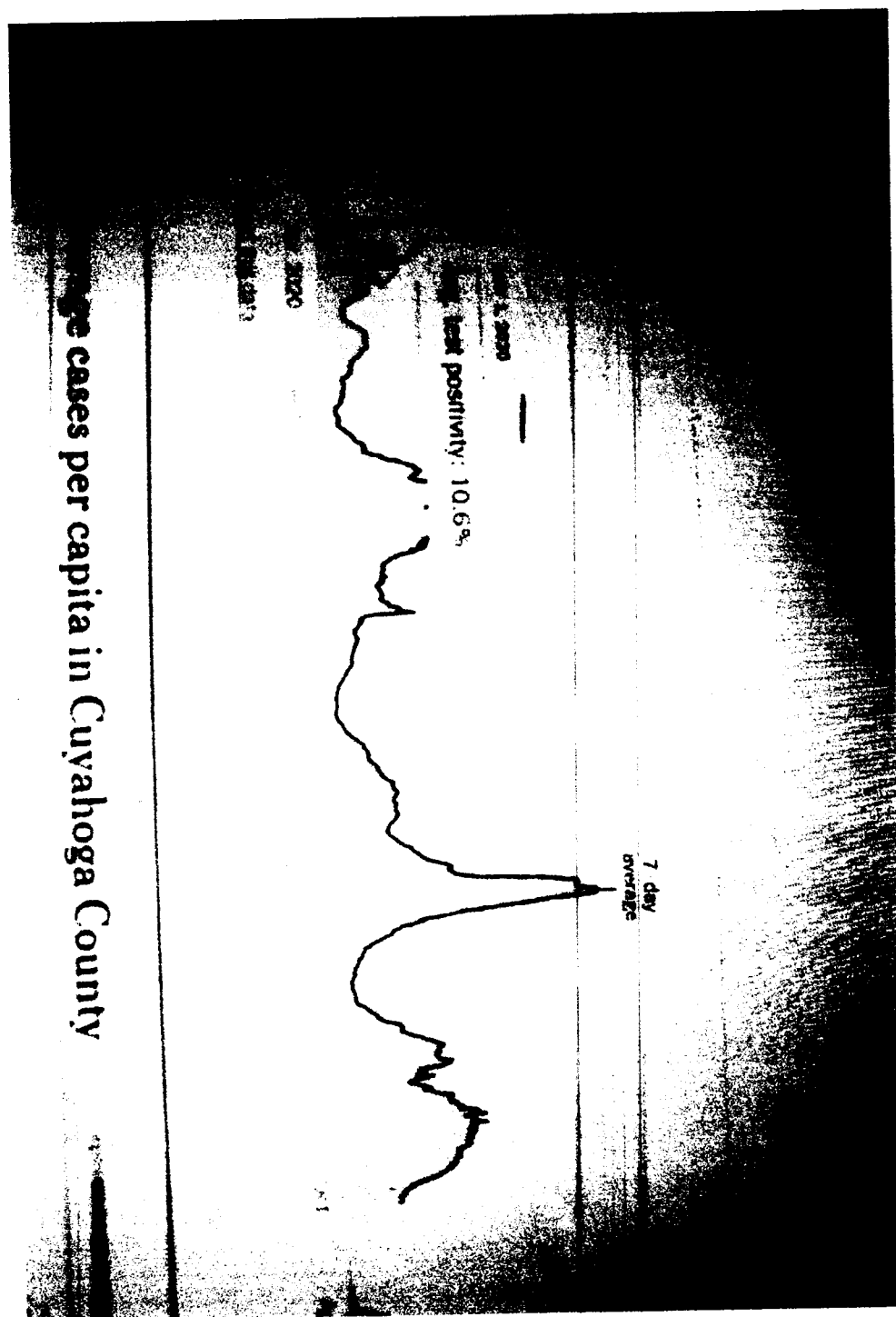


	DAILY AVG. ON OCT. 11	PER 100,000	14-DAY CHANGE
Cases	210	24	-4%
Test positivity	18%	—	—
Hospitalized	221	25	+4%
Deaths	2	<1	-33%

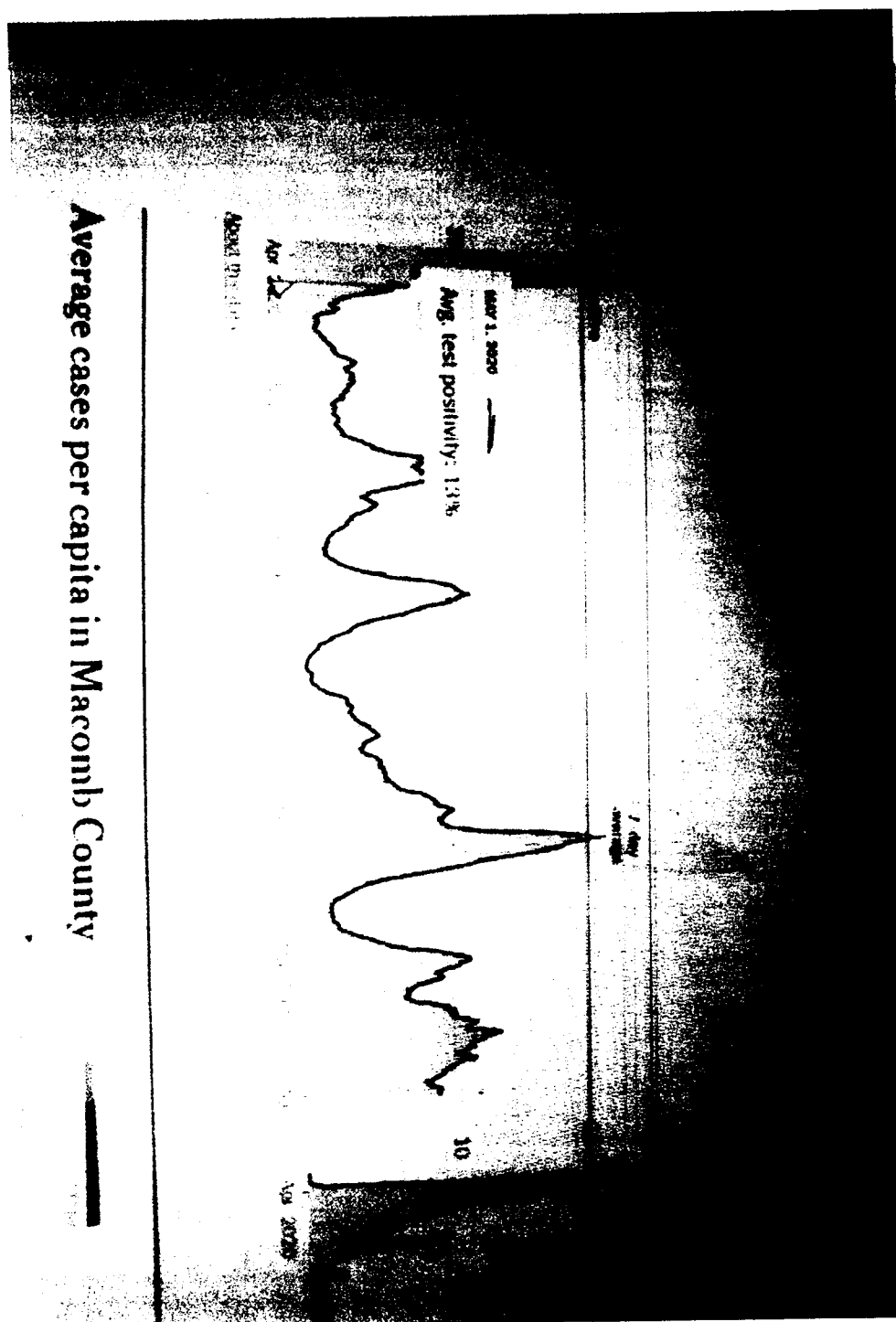
[About this data](#)

Ex 6

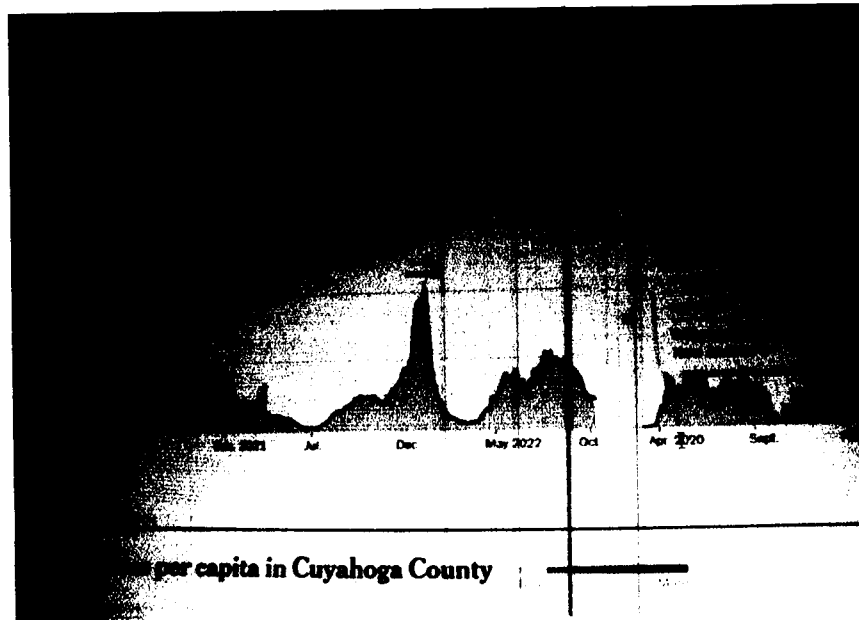




Ex 7

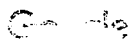


Ex 8



304 Daily  
Average  
← 0  
Same as  
SPG 2

EX 8 p 2



macomb county population



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Tools

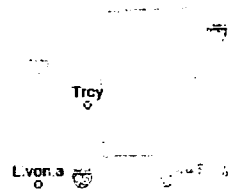
About 841,000 results (0.59 seconds)

Macomb County / Population

870,893 (2020)

Oakland County  
1.255 million

• Macomb County  
870,893



## Macomb County

County in Michigan

Macomb County is a county located in the eastern portion of U.S. state of Michigan, bordering Lake St. Clair, and is part of northern Metro Detroit. As of the 2020 Census, the population was 881,217, making it the third-most populous county in the state. The county seat is Mt. Clemens. [Wikipedia](#)

Explore more →

Sources include: United States Census Bureau

Feedback

### Population elsewhere

Macomb Township 90,758 (2018)

Wayne County, Michigan 1.753 million (2020)

### Destinations

View 1

[Lake Saint Clair](#)
[Sterling Heights](#)
[Warren](#)
[St. Clair Shores](#)

### Points of interest

View 7

[Ford House](#)
[Lake St. Clair Metropark](#)
[Blake's Orchard & Cider Mill](#)
[Westview Orchards & Winery](#)

### People also ask

What percent of Macomb County is black?

What is Macomb County known for?

What is the racial makeup of Macomb County Michigan?

What is the best city to live in Macomb County?

Feedback

[https://www.census.gov/quickfacts/macombcounty...](https://www.census.gov/quickfacts/macombcounty)

### Macomb County, Michigan - U.S. Census Bureau QuickFacts

Population Estimates, July 1 2021, (V2021).. 876,792 ...

[https://en.wikipedia.org/wiki/Macomb\\_County\\_Mi...](https://en.wikipedia.org/wiki/Macomb_County_Mi...)

### Macomb County, Michigan - Wikipedia

As of the 2020 Census, the population was 881,217, making it the third-most populous county in the state. ... The county seat is Mt. Clemens. ... Macomb County is ...

Largest city: Warren  
Seat: Mount Clemens

Named for: Alexander Macomb  
Congressional districts: 9th, 10th

Clinton Township, Macomb... · Washington Township · Bruce Township, Macomb...

<https://www.michigan-demographics.com/macomb-co...>

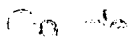
### Macomb County Demographics - Get Current Census Data for ...

With 876,792 people, Macomb County is the 3rd most populated county in the state of Michigan out of 83 counties. But watch out, Macomb County, because Genesee ...

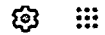
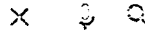
<https://worldpopulationreview.com/us-counties/mac...>

### Macomb County, Michigan Population 2022

Ex 11



cuyahoga county population



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[News](#)
[Maps](#)
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[More](#)

Tools

About 3,810,000 results (0.56 seconds)

Cuyahoga County / Population

1.241 million (2020)

Sandusky

Cleveland

Akron

• **Cuyahoga County**  
 1.241 million

Summit County,  
 Ohio  
 540,810

Cleveland  
 383,331

## Cuyahoga County

County in Ohio

Cuyahoga County is a large urban county located in the northeastern part of the U.S. state of Ohio. It is situated on the southern shore of Lake Erie, across the U.S.-Canada maritime border. As of the 2020 census, its population was 1,264,817, making it the second-most-populous county in the state. [Wikipedia](#)

Explore more →

Sources include: United States Census Bureau

Feedback

<https://www.census.gov/quickfacts/cuyahogacounty...>

### Cuyahoga County, Ohio - U.S. Census Bureau QuickFacts

Population estimates base, April 1, 2020, (V2021).. 1,264,817 ; Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021).

### Population elsewhere

Ohio	11.68 million (2020)
Franklin County, Ohio	1.305 million (2020)
Lorain County	309,134 (2020)

### Destinations

View

Cleveland	Cuyahoga Valley N...	Lake Erie	Lakewood
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### Points of interest

View

The Cleveland Museum...	Rock & Roll Hall of Fame	Cleveland Metroparks Zoo	West Side Market
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Feedback

[https://en.wikipedia.org/wiki/Cuyahoga\\_County,\\_C...](https://en.wikipedia.org/wiki/Cuyahoga_County,_C...)

### Cuyahoga County, Ohio - Wikipedia

It is situated on the southern shore of Lake Erie, across the U.S.-Canada maritime border. As of the 2020 census, its population was 1,264,817, making it the ...

County seat: **Cleveland**      Founded: May 1, 1810  
 Congressional districts: 9th, 11th, 14th, 16th C...      Named for: Cuyahoga River  
 Defunct townships of... · County Executive of Cuyahoga... · Oakwood

<https://www.ohio-demographics.com/cuyahoga-count...>

### Get Current Census Data for Cuyahoga County, OH

population icon Population ... With 1,249,387 people, Cuyahoga County is the 2nd most populated county in the state of Ohio out of 88 counties. But watch out, ...

<https://www.countyplanning.us/census-data/2020-plus>

EX 12

10/13/22, 2:23 PM

Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | Municode Library

## Code of Ordinances

■ A 1

## Code of Ordinances

■ A 1

**Applicable:**  
**Creates reference—** Buildings and Building Regulation, Chapter 8; Garbage and Rubbish, Chapter 16; Nuisance, Chapter 21; excluding noise-based and smoking nuisance described in Article II and Article V; Property Maintenance, Chapter 26; Sign Erectors and Sign Permit Fees, Chapter 31; Vegetation, Chapter 36; and generally Appendix A.  
**Zoning:**  
**State Law reference—** MCL 117.49, MCL 117.41, and MCL 600.4027.

**Sec. 2.5-1. - Purpose.**

The purpose of this chapter is to ensure compliance with the Warren Code of Ordinances designated as blight violations. Previous enforcement mechanisms were not ensuring blight violation code compliance.

(Ord. No. 80-731, § 1, 8-11-15)

**Sec. 2.5-2. - Definitions.**

**Blight violation.** A violation of a provision of the Code of Ordinances, including appendices, that is designated as a blight violation.

**Bureau.** The administrative hearings bureau.

**Credit union organization.** A cooperative, nonprofit entity organized for the purposes of encouraging thrift among its members, providing a variety of financial services to its members, and providing an opportunity for its members to use and control their own money on a democratic basis in order to improve their economic and social condition, including credit unions organized pursuant to: the Credit Union Act, MCL 490.101 to 490.601; the laws of another state or territory of the United States; or the laws of the United States.

**Financial institution.** A state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office in the State of Michigan under the laws of the State of Michigan or the United States.

**Government-sponsored enterprise.** That term as defined in 2 USC 622(b), or the Michigan State Housing Development Authority created under the State Housing Development Authority Act of 1966, MCL 125.1401 to 125.1499C.

**Mortgage servicer.** A person that, directly or indirectly, services or offers to service mortgage loans, as defined by MCL 445.1651a.

**Rules committee.** A committee comprised of the city attorney, the public service director, and the director of property maintenance, or their representatives.

[http://library.municode.com/mi/warren/codebook\\_code\\_of\\_ordinances?nodeId=PTNCOOR\\_CH25A00HEBU](http://library.municode.com/mi/warren/codebook_code_of_ordinances?nodeId=PTNCOOR_CH25A00HEBU)

4/9

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Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | Municode Library

## Code of Ordinances

■ A 1

**Code of Ordinances.** Set of rules establishing the administrative hearings bureau's procedure, including procedures for: issuing written violation notices, default and admission of responsibility, conducting administrative hearings to determine responsibility, issuing final decisions and orders, and appeals.

**Violator.** A person who the administrative hearings officer has found responsible for a blight violation.

(Ord. No. 80-731, § 1, 8-11-15)

**Sec. 2.5-3. - Jurisdiction.**

(a) Except as provided in section 2.5-3(b), the bureau has exclusive jurisdiction to make determinations of responsibility and to impose penalties for blight violations.

(b) The bureau does not have jurisdiction over:

- (1) A foreclosing governmental unit as defined by MCL 211.78; or
  - (2) An authority created under the Land Bank Fast Track Act, MCL 124.751—124.774.
- (Ord. No. 80-731, § 1, 8-11-15)

**Sec. 2.5-4. - Administrative hearings officer.**

(a) **Appointment.**

(1) The mayor shall appoint the primary administrative hearings officer and one (1) alternate.

(b) **Qualifications.**

(1) The primary administrative hearings officer shall be:

- I. A current 37th District Court Magistrate or an attorney licensed to practice law in Michigan; and

II. Qualified as required by MCL 117.4q(11).

(2) An alternate administrative hearings officer shall be:

- I. A current Michigan District Court Magistrate or an attorney licensed to practice law in Michigan; and

II. Qualified as required by MCL 117.4q(11).

(c) **Duties.**

(1) The primary administrative hearings officer shall:

- I. Conduct administrative hearings as provided for by the rules of procedure;
- II. If the alleged violator was served proper notice and the alleged violator fails to appear at the scheduled hearing, enter an order of default finding an alleged violator responsible for the violation;

[http://library.municode.com/mi/warren/codebook\\_code\\_of\\_ordinances?nodeId=PTNCOOR\\_CH25A00HEBU](http://library.municode.com/mi/warren/codebook_code_of_ordinances?nodeId=PTNCOOR_CH25A00HEBU)

5/9

Ex 13 - p 1

10/13/22, 2:23 PM

Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | MunioCode Library

**Code of Ordinances** **Propose necessary rules of procedure changes to the rules committees as provided in section 2.5-5(a)(2):**

- IV. Issue written responsibility determinations as provided for by the rules of procedure; and
- V. Impose penalties consistent with section 2.5-2 of this chapter.
- VI. If the primary administrative hearings officer is unable to conduct a hearing, make a determination, or impose a penalty, the alternate administrative hearings officer shall conduct the hearing, make the determination, and, if applicable, impose the penalty in a manner consistent with (C)(1)(X), (IV), and (V) of this subsection.
- (d) **Vacancy.**
  - (1) If the primary administrative hearings officer position is vacant for a period of time longer than thirty (30) days, the administrative hearings bureau is suspended until a primary administrative hearings officer is appointed.
  - (2) During the suspension, this chapter does not apply and all blight violations are municipal civil infractions handled by the 37th District Court, punishable by a fine of not less than one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000.00) and/or costs, assessments, and damages and expenses as provided by MCL 600.872(3).

(Ord. No. 80-731, § 1, 8-1-15; Ord. No. 80-750, § 1, 2-14-17; Ord. No. 80-786, § 1, 3-9-21)

**Sec. 2.5-5. - Rules of procedure.**

- (a) **Adoption and amendment.**
  - (1) The rules committee shall adopt rules of procedure that govern the operation of the administrative hearings bureau.
  - (2) The rules of procedure shall be amended by the following procedure:
    - I. The administrative hearings officer proposes changes to the rules of procedure through a written petition to the rules committee;
    - II. The rules committee votes on each proposed change. A majority vote determines whether each proposed change is adopted.

(Ord. No. 80-731, § 1, 8-1-15)

**Sec. 2.5-6. - Fine schedule.**

- (a) City council shall adopt a fine schedule of civil fines and costs for blight violations.
- (b) City council shall update the fine schedule as needed.

(Ord. No. 80-731, § 1, 8-1-15)

[https://library.munioCode.com/mi/warren/codeofordinances?model=PTNCOOR\\_CH2.5ADHEBU](https://library.munioCode.com/mi/warren/codeofordinances?model=PTNCOOR_CH2.5ADHEBU)

69

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Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | MunioCode Library

**Code of Ordinances Penalties.**

11/14/22

- (a) **Fines, costs, and other remedies.**
  - (1) The administrative hearings officer shall impose on the violator:
    - I. Civil fines and costs, pursuant to the fee schedule; and
    - II. A justice system assessment, as provided for by MCL 117.4q(13).
  - (2) The administrative hearings officer may also order the violator to:
    - I. Take corrective action to remedy the blight violation;
    - II. Reimburse the city for documented enforcement costs; and
    - III. Take any other appropriate legal or equitable action.
  - (3) The administrative hearings officer may waive a fine for a blight violation if he/she finds that the violator:
    - I. Is the owner-occupier of the dwelling where the blight violation occurred;
    - II. Is a first-time offender of a blight ordinance; and
    - III. Has corrected the violation.
- (b) An administrative hearings officer shall not impose:
  - (1) A penalty of incarceration; or
  - (2) A civil fine in excess of ten thousand dollars (\$10,000.00).

(Ord. No. 80-731, § 1, 8-1-15)

**Sec. 2.5-8. - Failure to obey administrative hearings officer's order.**

- (a) **Failure to pay civil fines and costs under section 2.5-2(a)(1) as a separate offense; exemptions on penalties.**
  - (1) Except as provided in section 2.5-8(a)(2), a violator is guilty of a separate offense if:
    - I. The administrative hearings officer imposes a civil fine and costs of one thousand dollars (\$1,000.00) or more on the violator; and
    - II. The violator fails to pay the civil fine and costs within thirty (30) days of the administrative hearings officer's responsibility determination.
  - (2) A violator is exempted from section 2.5-8(a)(1) if the violator:
    - I. Became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure; and is a government-sponsored enterprise, a financial institution, a mortgage servicer, or a credit union service organization; or
    - II. Is the owner of the property; and at the time that the administrative hearings officer imposed the civil fine and costs had filed, pursuant to MCL 211.7c(2), a valid principal claim.

[https://library.munioCode.com/mi/warren/codeofordinances?model=PTNCOOR\\_CH2.5ADHEBU](https://library.munioCode.com/mi/warren/codeofordinances?model=PTNCOOR_CH2.5ADHEBU)

70

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Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | Munisource Library

## Code of Ordinances

residence exemption affidavit for the current year certifying that the property is owned and occupied as a principal residence by the owner.

### (3) Penalties.

1. A violator found guilty of failing to pay civil fines and costs under section 2.5-2(a)(1) is subject to the following penalty:

1. For a first violation, the violator is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).
2. For a subsequent violation, the violator is guilty of a misdemeanor punishable by incarceration for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both.

(b) Failure to obey the administrative hearings officer's order under section 2.5-2(a)(2) as a separate offense.

(1) If a violator fails to obey the administrative hearings officer's order to correct the blight violation and/or pay the city for enforcement costs under section 2.5-2(a)(2), that violator is guilty of a misdemeanor punishable by incarceration for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00), or both.

(c) Lien, garnishment, or other collection methods authorized by law.

(1) If the administrative hearings officer imposes a civil fine and costs on a violator, and the violator fails to pay within thirty (30) days of the administrative hearings officer's responsibility determination, the property maintenance director or his/her representative may pursue any collection method authorized by law including filing a lien on the property involved in the blight violation, pursuant to MCL 117.47; or filing a writ of garnishment, pursuant to MCL 600.4027, but not both.

(d) Zoning and building authorizations.

(1) As provided for in chapter 9, section 9.1 of the Code of Ordinances and appendix A, article XXIII, section 23.02(b), the city may prohibit a violator with unpaid administrative hearings bureau civil fines or costs from applying for building permits, certificates of compliance, variances, rezoning approvals, site plan approvals, planned unit development approvals, and other zoning and building authorizations.

(Ord. No. 80-731, § 1, 8-11-15)

### Sec. 2.5-9. - Chapter not inconsistent.

This chapter applies to administrative adjudication proceedings conducted by the bureau to the extent that it is not inconsistent with the existing Code.

(Ord. No. 80-731, § 1, 8-11-15)

EX 13 P 3



ARTICLE I. - IN GENERAL

Sec. 9-1. - Penalty.

- (a) Except if there is an administrative hearings officer vacancy as described in chapter 2.5, section 2.5-4(d), the violation of a provision of this chapter is a blight violation. The administrative hearings bureau shall punish a violator found responsible for a blight violation as provided in Warren Code of Ordinances, chapter 2.5, section 2.5-7.
- (b) A violator with any unpaid civil fines or costs imposed under chapter 2.5 of the Warren Code of Ordinances may be ineligible to apply for a building permit, certificate of compliance, or a variance, except if:
  - (1) The person (1) became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and (2) is a government-sponsored enterprise, a financial institution, a mortgage servicer, or a credit union service organization, as defined by chapter 2.5, section 2.5-2; or
  - (2) The person shows that the permit, certificate, or variance will correct, in whole or in part, the blight violation that was the subject of the unpaid fines, costs, or justice system assessments.

(Ord. No. 80-527, § 8, 1-13-98; Ord. No. 80-629, § 1, 3-28-06; Ord. No. 80-650, § 1, 5-8-07; Ord. No. 80-731, § 3, 8-11-15; Ord. No. 80-750, § 2, 2-14-17)

State Law reference— MCL 125.1509c.

Secs. 9-2—9-15. - Reserved.

Ex 14 p1

# Detroit Free Press

MACOMB

## 'This video is sickening,' attorney says of Detroit teen punched, kicked by Warren police



**Christina Hall**

Detroit Free Press

Published 5:46 p.m. ET Oct. 12, 2022 | Updated 8:29 p.m. ET Oct. 12, 2022

Tyler Wade's attorney said his teenage client was repeatedly punched, kicked and stomped by Warren police officers in a vicious attack after a chase in June that began in Warren and ended in Ferndale.

And attorney James King said it's all on police body camera footage that he released Wednesday, one day after he filed a federal lawsuit on behalf of the Detroit teen. A civilian also recorded the incident.

EX 15

**PACE R**

Public Access to Court Electronic Records

**Invoice**

Invoice Date: 10/05/2022

Usage From: 07/01/2022 to: 09/30/2022

**Account Summary****Pages:**

Rate:

Subtotal:

**Audio Files:**

Rate:

Subtotal:

**Current Billed Usage:****Previous Balance:**

Current Balance:

1,298

\$0.10

\$129.80

0

\$2.40

\$0.00

\$129.80

\$0.00

\$129.80

**Total Amount Due:****\$129.80****All Courts Now Converted to NextGen**

In the third quarter, the final three courts implemented the next generation case management/electronic case files (NextGen CM/ECF) system:

- \* North Carolina Eastern District
- \* Texas Northern District

- \* Texas Western District

If you have not upgraded your PACER account, here are some helpful hints:

- \* If you have a PACER account, make sure it is upgraded. Log in to Manage Your Account at [pacer.uscourts.gov](http://pacer.uscourts.gov).
- \* If you do not have a PACER account, use this link to create one: [pacer.uscourts.gov/register-account](http://pacer.uscourts.gov/register-account).
- \* Remember to link your e-filing account to your PACER account.
- \* For an overview on linking, visit: [pacer.uscourts.gov/file-case/get-ready-nextgen-cmef](http://pacer.uscourts.gov/file-case/get-ready-nextgen-cmef).
- \* For instructions on linking accounts, visit: [pacer.uscourts.gov/help/cmef](http://pacer.uscourts.gov/help/cmef).

**Account #:** 5501555  
**Invoice #:** 5501555-Q32022  
**Due Date:** 11/10/2022  
**Amount Due:** \$129.80

**Contact Us**

San Antonio: (210) 301-6440  
 Toll Free: (800) 676-6856  
 Hours: 8 am - 6 pm CT M-F  
[pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov)

See [pacer.uscourts.gov/billing](http://pacer.uscourts.gov/billing) for instructions on disputing charges, FAQs about the billing process, and more.

To view detailed billing transactions, visit the Manage My Account section of the PACER Service Center website at [pacer.uscourts.gov](http://pacer.uscourts.gov).

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 Visit [pacer.uscourts.gov/billing](http://pacer.uscourts.gov/billing).

Please detach the coupon below and return with your payment. **Thank you!**

**PACE R**

Public Access to Court Electronic Records

**Account #**

5501555

**Due Date**

11/10/2022

**Amount Due**

\$129.80

Do not send cash. Make checks or money orders drawn on a U.S. Bank in U.S. dollars payable to: PACER Service Center. Include your account ID on the check or money order.

Visit [pacer.uscourts.gov](http://pacer.uscourts.gov) for address changes.

Elizabeth Nelson  
 9820 Cudell Ave  
 Cleveland, OH 44102

U.S. Courts: PACER  
 P.O. Box 5208  
 Portland, OR 97208-5208

EX 16

**SAFEAIRBAGS.COM**

P.O. Box 746 | Wheeling, IL 60090



**VEHICLES REGISTERED TO  
YOUR ADDRESS HAVE AN**

# **URGENT AIRBAG SAFETY RECALL**



099 \*AUTO\*\*ALL FOR AADC 480

U223 F3R4-0027064

3/101/166

VEHICLE OWNER

7568 Hudson Ave Apt A  
Warren, MI 48091-5912



LOGIN ID: 0005704511

Dear Vehicle Owner,

According to our records, you have 3 registered vehicles linked to your address that are affected by an urgent Takata airbag safety recall. If a part in one of these airbags explodes, it could cause **SERIOUS INJURY** or **DEATH** to the driver and/or passengers. We can help to arrange the **FREE** airbag safety recall repair for your affected vehicles.

## **Please visit Commercial.SafeAirbags.com to:**

- See a list of which vehicles are affected.
- Find your closest authorized dealer to complete your **FREE** airbag safety recall repairs.
- Update the status of vehicles you no longer own.



USE YOUR PHONE TO SCAN THIS  
CODE TO BE TAKEN DIRECTLY TO  
COMMERCIALSAFEAIRBAGS.COM

## **WHAT YOU NEED TO KNOW:**

- All defective airbag safety recall repairs will be completed for **FREE**.  
Most airbag safety recall repairs can be completed in as little as one hour, depending on the vehicle model and the schedule of the dealer completing the recall repair.
- A mobile repair at the vehicle's location, vehicle pick-up and delivery, a loaner vehicle or other alternate transportation may be available - all for **FREE**. Please inquire when scheduling your **FREE** airbag safety recall repair.

We look forward to keeping you and your passengers safe.

Sincerely,  
Airbag Safety Recall Team

Ex 17

SafeAirbags.com is affiliated with the Settlement Special Administrator appointed by the District Court for the Southern District of Florida to implement several settlement agreements entered into by BMW, Ford, Mazda, Nissan, Subaru, and Toyota and to conduct outreach on their behalf for the replacement of Takata inflators in those brands' vehicles. For this reason, to the extent you own one or more vehicles manufactured by some other brand, please visit NHTSA.gov to see if that vehicle is affected by the Takata recall.



**SAFEAIRBAGS.COM**

## Police Department



William Dwyer was re-appointed Commissioner of the Warren Police Department on August 14, 2017. He previously served as the Warren Police Commissioner from April 2008 until December 2010. He also was elected as Oakland County Commissioner for the 14th District on November 2, 2010 and started his first two-year term on January 1, 2011. In December of 2018 he retired after his fourth two-year term as an Oakland County Commissioner.

Prior to his current assignment in Warren, the Commissioner served 23 years with the Farmington Hills Police Department as Police Chief. Before Farmington Hills, he served 23 years with the Detroit Police Department, where he held the position of Commander of Chief's Staff. Prior to that, he was in charge of the Narcotics Division for seven years, having risen through the ranks from the position of Patrol Officer. Commissioner Dwyer holds a Bachelor of Science degree from Mercy College and a Master's degree in Criminal Justice from Wayne State

Stoppers of Michigan named him the Police Executive of the Year. The Commissioner is also an active member of both the Optimist Club and the Rotary Club.

Commissioner Dwyer is a graduate of L'Anse Creuse High School in Mt. Clemens. He and his wife Doris have two grown sons.

Most recently in 2019, Commissioner Dwyer was one of the founding members of the newly created Macomb County/Federal Task Force to fight against Illegal Narcotic, otherwise known as F.A.N.T.O.M.

## Warren Police Department Mission Statement

To serve the community and protect the lives, rights, and property of all people in the City of Warren with integrity, equality, and justice.

### Value Statement

The core values of the Warren Police Department are

#### Integrity

Integrity, the adherence to moral and ethical principles and the consistency of honest and dedicated actions, is our standard. We strive to earn the trust and respect of those whom we serve and work with. We do what is right at all times because it is the right thing to do.

#### Professionalism

All members of the Department will conduct themselves in a manner that is consistent with professional standards for performance, both on duty and off duty. These standards include adherence to our mission

University. He is also a graduate of the 97th session of the FBI National Academy.

He is an active member of the International Association of Chiefs of Police and is a past president of the Michigan Association of Chiefs of Police, in addition to having served as president of the Oakland County Chief's Association and the Southeastern Michigan Chiefs of Police Association. Commissioner Dwyer has served on the Advisory Board of Directors for the Oakland County Narcotics Enforcement Team since 1987. He is the past chairman of the High-Intensity Drug Trafficking Area (HIDTA) and served as Vice Chair in September 2003. In 2001, he was appointed to the Federal Anti-Terrorism Task Force and is still presently a member. He was appointed by the Governor to serve as a member of the Governor's Cabinet Council on Crime in 1989 and serves on the Commission on Children, Youth, and Families. He is on the Farmington Hills/Farmington Community Foundation and also serves as a member of the President's Criminal Justice Advisory Committee of Rochester College and a member of the executive committee of Michigan Citizens for Handgun Control. He served as chairperson of the Oakland County CLEMS Advisory Committee for 11 years.

In 2004, he was appointed by Governor Granholm to the Michigan Homeland Security Advisory Council. Governor Granholm appointed him to the Michigan Public Safety Communications System Advisory Board in April 2005 and re-appointed him in April 2006. He is a member of the Hundred Club of Detroit and serves as president of the Farmington Hills Benevolent Association. In 2005, he was awarded the Presidential Medal from the Michigan Association of Chiefs of Police. Commissioner Dwyer was appointed to the State Bar of Michigan Custodial Interrogation Recording Task Force in 2006 and became a member of the Community Outreach Impact Committee. In 2009, Commissioner Dwyer received the Collegian Award from Wayne State University. In 2010, Crime

statement and other core values. We perform our roles ethically and with integrity as we represent the Warren Police Department, regardless of the circumstances. We hold each other and ourselves accountable to these standards.

#### Employees

We value all who demonstrate self-motivation, dedication, and pride in their work and performance, along with the strength to adhere to what is right in all instances and actions.

#### Courage

Courage is not the absence of fear, but rather its mastery. We will remain courageous in our actions. We recognize that there are two types of courage: physical and moral. Physical courage is recognizing danger to oneself or to others, but persisting in our duty regardless. Moral courage is the adherence to principle, integrity, and dedication, no matter how easy it may be to do otherwise. It is putting character ahead of expediency and putting what is right ahead of what may be popular.

#### Respect

Respect means that we treat each other and the communities we serve as we would like to be treated: with compassion and dignity. Within the Department, we strive to ensure all members are supported and empowered, regardless of rank or position. Outside of the Department, we strive to partner with the communities we serve through transparency, accountability, and building mutual trust. We recognize that respect, as a value, must permeate every police action we undertake.

## Police Department Phone Numbers

EX 18

1 Warren, Michigan  
2 Friday, August 20, 2021 - 9:18 a.m.  
3 THE COURT: Albert Thrower versus Kim and  
4 Cheryl Branson, 20-6101-LT.  
5 Say your name for me, sir.  
6 MR. THROWER: That was that?  
7 THE COURT: Say your name, please.  
8 MR. THROWER: Oh, Albert Thrower. Albert  
9 Thrower.  
10 THE COURT: Thank you.  
11 Say your name, please.  
12 MS. KIM BRANSON: Kim Branson.  
13 THE COURT: Where is the attorney?  
14 MS. KIM BRANSON: Pardon?  
15 THE COURT: All right. This is the date and  
16 time scheduled for a motion to cancel the jury demand.  
17 What do you want to tell me?  
18 MR. THROWER: This Court wanted them to escrow  
19 the rent and, upon checking with the court, they never  
20 escrowed the rent in July. So, I wanted to convert it to  
21 a judge eviction.  
22 THE COURT: Okay.  
23 Have you paid the escrow?  
24 MS. KIM BRANSON: Up until then, yes.  
25 THE COURT: So you failed to follow the orders

37th District Court  
Warren, Michigan

3

1 STATE OF MICHIGAN  
2 IN THE 37th JUDICIAL DISTRICT COURT  
3 FOR THE COUNTY OF MACOMB  
4  
5 ALBERT D. THROWER,  
6 Plaintiff,  
7 v  
8 KIM ELIZABETH BRANSON  
9 and CHERYL BRANSON,  
10 Defendants.  
11  
12 MOTION HEARING  
13 BEFORE THE HONORABLE MICHAEL C. CHUPA, DISTRICT COURT JUDGE  
14 Warren, Michigan - Friday, August 20, 2021  
15  
16 APPEARANCES:  
17  
18 Plaintiff in Pro Per: ALBERT THROWER  
19 1312 West 89th Street  
20 Cleveland, Ohio 44102  
21  
22 Defendants in Pro Per: KIM BRANSON  
23 CHERYL BRANSON  
24 7568 Hudson  
25 Warren, Michigan 48091  
26  
27 RECORDED &  
28 TRANSCRIBED BY:  
29 Jessica R. Brown, CCR - 7230  
30 Certified Electronic Reporter  
31 586.574.4914

37th District Court  
Warren, Michigan

1

COPY

TD 39  
EX 4

EX 19

1 THE COURT: Say your name, please.

2 MR. SCOTT: Robert Scott, Director of Property  
3 Maintenance, City of Warren.

4 THE COURT: Okay. Why are you here?

5 MR. SCOTT: I'm here on behalf -- If I can  
6 intercede, your Honor, on behalf of Mr. Branson and her  
7 roommate. This is a posted vacant house that has been  
8 posted as structurally inhabitable. And due to that --  
9 we couldn't find your order. I had -- I looked for your  
10 order and could not find -- I had your clerk look for the  
11 order also stating that they should put their account in  
12 escrow. We couldn't find it at the time, so I advised  
13 the ladies to stop paying rent because they were paying  
14 rent for a house that is inhabitable.

15 Though they couldn't be evicted because of the  
16 COVID situation and the current state laws, they -- they  
17 are still occupying the house because we can't find them  
18 a suitable place for them to move into, which they can  
19 afford. I've also referred them to legal -- legal  
20 assistance and they're using a city-based legal  
21 assistance trying to get them into a new -- in a new  
22 residence.

23 THE COURT: December 9th of '20, defendants  
24 demand jury trial, set for jury trial when able, escrow  
25 order entered today, \$510 per month must be paid by

37th District Court  
Warren, Michigan

5

1 that I set is that right? How many payments have you  
2 missed?

3 MS. KIM BRANSON: Right now? Two.

4 THE COURT: Okay. Is there anything you  
5 want to say?

6 MS. KIM BRANSON: We were told not to pay any  
7 rent on -- on that because there was to be no more money  
8 coming from that house to Al Throver.

9 THE COURT: Okay. Who told you not to pay the  
10 rent?

11 MS. KIM BRANSON: The City.

12 THE COURT: I told you to pay rent to the  
13 court, right?

14 MS. KIM BRANSON: Yes.

15 THE COURT: Okay.

16 Is there anything you want to say, ma'am?  
17 MS. CHERYL BRANSON: Just what she said. We  
18 were told not to pay anything.

19 THE COURT: But you knew the court order was in  
20 effect and you had been following it for some period of  
21 time, right?

22 MS. KIM BRANSON: Yes, seven months.

23 THE COURT: Okay.

24 Good morning.

25 MR. SCOTT: Good morning, your Honor.

37th District Court  
Warren, Michigan

4

Ex 412



1 MR. SCOTT: Because the state law will not  
2 allow them to evicted out. We have been trying to find  
3 them a new residence and assisting them --

4 THE COURT: I'm sorry to interrupt you, sir.  
5 Why are you looking for their -- to find a residence?  
6 It's their responsibility to find their own domicile.

7 MR. SCOTT: Well, I -- I'm just -- that's why I  
8 referred 'em to legal assistance, so they could -- or,  
9 when I say when I'm trying to help, I referred them to  
10 legal assistance, your Honor.

11 THE COURT: You certainly have a right to help  
12 if you want to. I'm not opposing that.

13 MR. SCOTT: Right. It's just -- yeah, my end  
14 of helping them is referring to legal assistance, which  
15 has been doing a pretty good job for them if I understand  
16 correctly.

17 THE COURT: You just told me the property is  
18 unlivable. Why would we delay the hearing in a  
19 circumstance where they're residing in a property that's  
20 unlivable?

21 MR. SCOTT: We -- we had -- this has been a  
22 long drawn out case, your Honor. It's -- we had made an  
23 arrest a few weeks ago in this. The Police Department  
24 made an arrest on a warrant that was issued by this Court  
25 for Mr. Thrower, so we had an arrest made. He sat in the

7  
37th District Court  
Warren, Michigan

1 tenants into the court by the 12th of each month. If the  
2 12th is a holiday or a weekend, payment is due the next  
3 business day. First escrow payment due December 14th of  
4 '20.

5 MR. SCOTT: Okay. Again, your Honor, like I  
6 said I wasn't aware of that. I would never have advised  
7 him to go against your order if that -- if I could have  
8 confirmed that at the time. I asked several of the  
9 clerks to confirm that for me and they couldn't find it  
10 at the time.

11 THE COURT: They confirmed it for me because  
12 they were compliant. I told them what to do and they  
13 were doing it.

14 MR. SCOTT: Okay, your Honor.

15 THE COURT: And then you changed their mind.

16 Ms. Michaels, I see you there. Do you want to  
17 appear as well?

18 MS. MICHAELS: Mary Michaels for the  
19 intervening party, your Honor.

20 THE COURT: What do you want to tell me?

21 MS. MICHAELS: Pretty much what Mr. Scott said,  
22 that this property has been posted as unsafe therefore  
23 cannot be occupied.

24 THE COURT: Okay. Then why are you guys  
25 allowing them to continue then?

6  
37th District Court  
Warren, Michigan

Ex 4  
13



1 from different directions.

2 MR. SCOTT: Your right, your Honor.

3 MS. MICHAELS: Yes, your Honor.

4 THE COURT: Do you want -- do you still want a  
5 jury trial?

6 MS. KIM BRANSON: Yes.

7 MS. CHERYL BRANSON: No.

8 THE COURT: Okay. The Court speaks through its  
9 orders. Whether you can find it or not the defendants  
10 were painfully aware of the order and they were compliant  
11 for six months -- seven months perhaps.

12 I don't know who did what to whom, I don't know  
13 if the property is habitable or not. I don't know if  
14 this landlord is a slumlord or not. That's for -- a  
15 battle for a different day. What I know is I speak  
16 through my orders. I meant what I said and I said what I  
17 meant. If you want a jury trial, you have to escrow the  
18 funds. That doesn't mean he's going to get a nickel at  
19 the end of the day. However, the escrow requirement is  
20 statutory. It's established by the Supreme Court through  
21 our court rules. My enforcement of the escrow order was  
22 well within authority and reason and an appropriate use  
23 of judicial resources. We have this purpose to guarantee  
24 that right. And, given the fact that in December of last  
25 year we had no idea when jury trials were going to kick

9  
37th District Court  
Warren, Michigan

1 house. He was -- knowing that we were outside the house,  
2 he sat inside the house for approximately 18 hours  
3 knowing this.

4 MR. THROWER: I object on any of this.

5 THE COURT: Stop talking, sir.

6 MR. THROWER: Okay.

7 MR. SCOTT: So -- so we then arrested him and  
8 at that time we took as quick a court date as we could  
9 get to try to get this adjudicated.

10 THE COURT: Okay. So what's the City's  
11 position on the failure to comply with the order?

12 MS. MICHAELS: Your Honor, under  
13 landlord/tenant law if a residence is uninhabitable --  
14 inhabitable that could be taken into consideration in the  
15 payment of rent.

16 THE COURT: That's absolutely true, but he's  
17 requesting a hearing by the Court; they demanded a jury  
18 trial. In order to satisfy the condition for jury trial,  
19 I followed the court rule, which required an escrow.  
20 They failed to meet the escrow conditions twice. So why  
21 would we delay the proceedings further? If you're  
22 looking to expedite the process, waiting for a jury date  
23 is months or a year away. So his request to deny the  
24 jury and have a bench trial would expedite the hearing,  
25 which it sounded like you guys are saying the same thing

9  
37th District Court  
Warren, Michigan

Ex 6 P 4

1 THE COURT: Nine a.m., sir.

2 MR. THROWER: Nine a.m.

3 MR. SCOTT: Thank you, your Honor.

4 THE COURT: Have a good day.

5 (At 9:29 a.m., proceedings concluded)

1 STATE OF MICHIGAN)

2 COUNTY OF MACOMB)

3 I, Jessica R. Brown, certify that this transcript,  
4 consisting of 12 pages, is a complete, true, and correct  
5 transcript to the best of my ability, of the proceedings and  
6 testimony taken in this case on Friday, August 20, 2021.

7  
8  
9 September 14, 2021

JESSICA R. BROWN, CER-7230  
Certified Electronic Reporter  
8300 Common Road  
Warren, Michigan 48093  
586.574.4914

1 off again, it seemed prudent to require the occupiers of  
2 the property to escrow the funds with the Court. Whether  
3 those funds are applied to the rent back -- back rent, if  
4 any, or returned to the tenants if rent is not -- is  
5 abated, that's a battle for a different day. But two  
6 months late is two months late and, quite candidly, it  
7 seems like I'm doing you a favor.

8 Motion to cancel jury trial is granted. Do you  
9 have your scheduler handy, Mr. Thrower?

10 MR. THROWER: Yes.

11 THE COURT: Ladies, can you appear next Friday?

12 Can you come next Friday for the hearing?

13 MS. KIM BRANSON: Yes.

14 THE COURT: Okay.

15 MR. Thrower, are you available on Friday?

16 MR. THROWER: Yes.

17 THE COURT: Hearing on the action for eviction  
18 will be conducted August 27th at nine o'clock in person  
19 at the courthouse here. Make sure you have all of your  
20 witnesses lined up; whoever is going to testify has to be  
21 present and available to be questioned. If somebody is  
22 not here, then their testimony is -- doesn't exist so  
23 make sure that both of you line up the witnesses. We'll  
24 see you next Friday.

25 MR. THROWER: Okay. That's at 8:45?

37th District Court  
Warren, Michigan

10

Ex 4 P  
5



Cuyahoga County  
Together We Thrive

Cuyahoga County Executive

Dear Property Owner,

— Summer 2020

← The **COVID 19 Crisis** is the worst crisis we have lived through in most of our lifetimes. It has impacted people's health, their jobs, and businesses throughout our County. It is part of the duty of County Government to collect property taxes and to distribute those taxes to your municipality, school district and state. We have always offered help to residents who are struggling with their property tax payment. But now, more than ever, I want to be sure you know that we are here to help you during this time of extreme hardship.

If you are unable to pay the Second Half 2019 tax balance (due by Thursday August 13, 2020) or if you have had difficulties paying your property taxes in the past and you have delinquent taxes, the County has expanded its delinquent tax payment plan options. These options could assist you in addressing the matter. **We are attempting to reach out to you in a genuine effort to discuss your present situation and try to help you through these unprecedented times. The County has instituted the following measure until further notice:**

- For taxpayers who can't meet the terms of their delinquent contract, the Treasurer may offer you a new contract.

We hope you will take advantage of this opportunity to resolve your tax situation. For further information on our payment plans or to review your situation, please call us Monday through Friday 8:30 a.m. through 4:30 p.m. at **(216) 443-7420 for general tax issues or (216) 443-7698 if you have long-term delinquencies.** We look forward to hearing from you.

I hope that you and those you love are safe and well.

Sincerely,

A handwritten signature in cursive script that reads "Armond Budish".

County Executive Armond Budish

**Note: If you have recently paid the taxes in full, made arrangements with our office to enter into a payment plan or filed for bankruptcy, please disregard this notice.**

EX 22

FOR IMMEDIATE RELEASE  
February 26, 2020

Contact: Mayor Jim Fouts  
Telephone: (888) 574-4620

## Warren Mayor Jim Fouts Prepares Warren For Influenza String A And Coronavirus (COVID-19)

Warren, MI – Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

There are many steps we have taken to protect the citizens of Warren during a potential threat to their health:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have issued all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department counter, to reduce the spread of all viruses.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Skip McAdams, and all first responders are diligently working to ensure your safety.

Finally, my goal continues to be to serve and protect the citizens and visitors in Warren.

**I WANT EVERYONE TO BE PREPARED NOT SCARED**

- I will be setting up meetings at local hospitals (Blessant and St. John Ascension) to make sure they have protocol in place.
- We will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves will be available for residents visiting city hall, and employees.

This virus also affects the economic stability of not only China but also the U.S. and the world. I think our companies may have to rethink investment in China.

The great economic boom that we have had may now have a downturn into a nasty recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a series of pre-active steps I have authorized City Administrators to implement a number of preventative measures.

For further information, please visit the Center for Disease Control and Prevention website at [www.cdc.gov](https://www.cdc.gov) and the Michigan Department of Health and Human Services at [www.michigan.gov/dhhs](https://www.michigan.gov/dhhs)

There is still more to be learned

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. New information will further inform the risk assessment.

Ex 23

8/13/22, 7:47 PM

Current Warren COVID-19 Actions - City of Warren

## Current Warren COVID-19 Actions

Currently city hall is closed to the public. Both the fitness center and pool are still open by appointment only at the Warren Community Center. The library is closed to the public, but is still allowing curbside service. Data seems to indicate that Michigan and our immediate area are hot spots for COVID-19.

That being the case we have instituted updated guidelines to protect our employees, residents and visitors. These include the following:

A) Employees should not report to work if they have any of the following symptoms: Fever, shortness of breath, uncontrolled cough.

B) Two or more of the following symptoms not explained by a known medical or physical condition they must also not report to work and

8/13/22, 7:47 PM

Current Warren COVID-19 Actions - City of Warren

these symptoms are: Abdominal pain, diarrhea, loss of taste or smell, Muscle aches, severe headache, sore throat, vomiting.

C) Employees at work must practice good hygiene and infection control practices: mask, disinfecting, and social distancing.

D) If employees become sick during the day, they should immediately be sent home and a COVID test must be scheduled. Disinfecting and cleaning the workplace must immediately follow.

There are also procedures and guidelines dealing with COVID-19 sick leave policy. The city is empowered to conduct these rules and procedures based upon the HB 6032 Public Act 238 passed by the legislature on October 2, 2020.

\*I have received more notifications about employees and residents who have tested positive for COVID 19. It seems that in many cases they been exposed to COVID at after work social events involving groups of people. Many have attended various places with some degree of distancing and disinfecting, but still became a victim. Any place in which a number of people congregate will expose any of us to this horrible disease. To be safe it is best not to attend gatherings of more than a few close friends or family. Bars and other similar places seem to be especially risky at the present time.

The less people you associate with the safer you are. Likewise, Thanksgiving should include only a few family members and less people is much safer than more people.

I know of too many people who thought they were safe only to contract the disease.

Please practice safety this Thanksgiving so that the Christmas holiday will be more enjoyable for you.

<https://www.cityofwarren.org/current-warren-covid-19-actions-2/>

1/3

<https://www.cityofwarren.org/current-warren-covid-19-actions-2/>

2/3

8/13/22, 7:47 PM

Current Warren COVID-19 Actions - City of Warren

Sincerely,

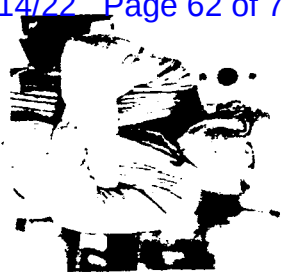
Mayor James R. Fouts

Select Language ▼

<https://www.cityofwarren.org/current-warren-covid-19-actions-2/>

3/3

Ex 24



## Saying Stay at Home During the Coronavirus Crisis

to avoid being exposed to the coronavirus, it's important for everyone to stay at home. This is particularly true for older adults and people with some chronic conditions, who have a higher risk for complications from COVID-19—the illness caused by the coronavirus. The Eldercare Locator and the Alliance for Aging Research have teamed up to bring you the facts—so you can keep yourself and loved ones safe and healthy during this public health emergency.

touched a surface or object with the virus on it and then touch your mouth, nose or eyes. The Centers for Disease Control and Prevention (CDC) advises older adults to:

### Stay home

If you do need to go out in public, stay at least 6 feet apart from others and wear a simple cloth face covering to help prevent the spread of the disease to others.

Avoid high-touch surfaces like elevator buttons, door handles and counters. If you must touch these surfaces, use a tissue or disposable wipe to touch them.

Don't touch your face, nose, eyes or mouth. Wash your hands with soap and water often; hand sanitizers are ok to use if they contain at least 60% alcohol.

Not everyone with COVID-19 will experience symptoms, or the symptoms may be mild enough that you don't realize you are infected, even though you are contagious. Symptoms of COVID-19 typically appear 2 to 14 days after exposure and may include:

Fever  
Cough (usually a dry or unproductive cough)  
Difficulty breathing or shortness of breath  
Fatigue  
Loss of smell and taste  
Body aches  
Nausea, diarrhea, stomach aches  
or vomiting

Our immune systems weaken as we age, making it harder to fight off infectious diseases. Cancer treatment, immune deficiencies, smoking and prolonged use of medications that weaken the immune system can also make it harder for the body to fight off the virus. People with certain chronic health conditions—including heart disease, lung disease, obesity, diabetes or liver disease—also have a harder time fighting the virus.

There is currently no vaccine available to prevent COVID-19 and no medication to treat it, so the best way to prevent illness is to avoid being exposed to the virus. COVID-19 is thought to spread primarily through respiratory droplets from coughs or sneezes. It may also be transmitted after you have

Call your health care provider if you think you may have been exposed to someone with COVID-19 and are trying to develop symptoms. They can advise you on whether to get tested for the virus. In most cases, it's best to stay at home to avoid infecting others—or becoming infected yourself.

Most people who become infected with COVID-19 can recover at home. For some people, however, the virus can be serious or fatal. Call 911 and seek immediate medical care if you experience:

Trouble breathing  
Persistent pain or pressure in the chest  
Confusion not experienced previously  
Bluish lips or face  
Any other severe symptoms

Unfortunately, there are scammers trying to take advantage of this crisis by pretending to sell you tests or medicines. According to the Consumer Financial Protection Bureau ([www.consumerfinance.gov](http://www.consumerfinance.gov)), the best defense is to say NO to anyone you don't know who contacts you (by phone, in person, by text message or email) and asks for your Social Security Number, bank account number, credit card information, Medicare ID number, driver's license number or any other personally identifiable information.

Every community has resources to help older adults age well at home—for example, programs that provide home-delivered meals, transportation to medical appointments, in-home services, resources for caregiver and other supports that can help older adults live independently and safely at home. While some activities are delayed during this crisis, especially those that bring people together in group settings, local Area Agencies on Aging are adapting programs to meet the needs of older adults for social engagement.

Older adults and caregivers can always contact their local Area Agency on Aging for information about what's available locally. To find what's available in your area, call the Eldercare Locator at (800) 677-1116 or [www.eldercare.gov](http://www.eldercare.gov). You can also get answers to your most asked questions about the pandemic at [www.coronavirus.gov](http://www.coronavirus.gov).

74



This fact sheet was developed by the Alliance for Aging Research, funded by the U.S. Administration for Community Living, the National Association of Area Agencies on Aging (NAAL) and the U.S. Department of Health and Human Services. Updated versions may be found at [eldercareandgo.org](http://eldercareandgo.org) or [www.agingresearch.org/COVID19.html](http://www.agingresearch.org/COVID19.html). This project was supported in part by grant number 90180002 from the Administration for Community Living, Department of Health and Human Services. The findings and conclusions expressed here are those of the authors and do not necessarily represent the official position of the Administration for Community Living.

EX 25

07/08, 02:57 PM

COVID-19 Resources/Information - City of Warren



## COVID-19 Resources/Information

The health and safety of our residents is our priority. It is of utmost importance to us that we keep our residents informed and continue to conduct city business during these unprecedented times. Warren has been at the forefront of successfully combating COVID-19 and Mayor Fouts intends to keep us in a leadership position to protect our employees and the community while continuing to deliver effective city services to our residents. All hands-on deck meaning that all of us

07/08, 02:57 PM

COVID-19 Resources/Information - City of Warren

most importance to stop the spread of this virus.

Please take the time to review the City of Warren COVID-19 Preparedness and Response Plan. In addition, we encourage residents to stay connected with the [City of Warren on Facebook](#) for the latest information and updates.

To see updates from the State of Michigan, visit [michigan.gov/coronavirus](https://michigan.gov/coronavirus). Also, visit the Center for Disease Control's website at [www.cdc.gov](https://www.cdc.gov) for further guidelines on staying healthy.



07/08, 02:57 PM



https://www.cityofwarren.org/COVID-19-resources/Information/

10

https://www.cityofwarren.org/COVID-19-resources/Information/

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COVID-19 Resources/Information - City of Warren



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COVID-19 Resources/Information - City of Warren

https://www.cityofwarren.org/COVID-19-resources/Information/

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https://www.cityofwarren.org/COVID-19-resources/Information/

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Ex 26

## ACTUAL OUT OF POCKET EXPENSES OF PLAINTIFF NELSON

1<sup>st</sup> 5/1/20 Towing Expenses

Turnpike fee 5/2/20 to travel to Warren Michigan	2X-round trip 6.50 each	13.00
Gas for trip round trip 197 miles Cleveland-Warren		100.00
Tow fees 4 cars 5/1/20 \$350 x 4 =		1400.00
(D)s' took Grill of plaintiff (P)		50.00
Disinfectant to clean cars-clean markings off windshields		10.00
Gas to drive 4 cars back to 7568 Hudson Ave – then driven to CLEVELAND OH		250.00
Because of (D) harassment & tow yard employee said (D) ROBERT SCOTT would tow Cars again if taken back to 7568 Hudson Ave Warren, MI See Affidavit THROWER Ex K		

4X Trips Ohio turnpike for 4 cars	round trip = 8x x 6.50	52.00
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4x Cars to Cleveland Ohio	6.50 OHIO Turnpike Fee	26.00
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MASK to travel with due to COVID 19-disinfectant		20.00
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## Interest on Expenses

2<sup>nd</sup> 7/7/21 Towing expenses

Tow fee 2008 HONDA CIVIC		315
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WEBER GRILL -taken @ same time as admitted in 37 <sup>th</sup> District Court by (D) ROBERT SCOTT -grill was taken 2 <sup>nd</sup> time		75.00
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MOWER-see receipt for new mower-it was (P) job to mow grass

with her mower- (P) had to purchase new mower	RECEIPT MENARDS	169.00
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Gas to Pick up Mower -MENARDS 21 mile		10.00
---------------------------------------	--	-------

Gas in Mower		1.00
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Damage to Paint towing 2008 HONDA from rear See Ex I Pic		800.00
--	--	--------

Gas to Drive 2008 HONDA to Cleveland OH-as (P) was afraid would be towed again		20.00
--	--	-------

Ohio Turnpike Fee take 2008 Honda to Cleveland OH	7/21	6.50
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Transcript of Eviction Hearing 8/22 37 <sup>th</sup> District Court Case 206101LT		100.00
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**GENERAL EXPENSES FILING ACTION**

Cost of Filing lawsuit	402.00
Round trip Gas to 231 Lafayette Blvd Detroit MI Courthouse 2X	20.00
Parking @ Courthouse 2X \$10 each time	30.00
Cost of Process Server	150.00
Postage	20.00
Paper	15.00
Ink for printer	20.00
PACER QUARTERLY ACCOUNT Ex	129.80
Paper- 4 reams 500 sheets CVS @ \$7.79 each + tax	35.00
Interest on Expenses	
Postage Mailing Copies 3 defendants Ex	20.00
Postage Mailing Briefs	20.00
Postage Mailing Briefs	20.00

operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely."

Only "critical infrastructure workers" or those required to conduct minimum basic operations may be permitted to perform in-person activities so long as any in-person work is performed consistently with the social distancing and mitigation measures required under any relevant executive order or public health order. Workers designated as critical infrastructure workers or those required to conduct minimum basic operations will be informed of such designations in writing, if so required.

The City of Warren had previously communicated the work from home/shutdown/minimum working options to city employees on March 17, 2020. The City's IT Department was integral in achieving this goal and has been equipped for a few years now to undertake this measure. (Exhibit A)

All employees who were not essential to operations, and whose job duties reasonably allowed to them to work from home were allowed to do so.

Employees were permitted to take paid leave consistent with the Families First Coronavirus Response Act and City of Warren's Personnel Policy. Any employee who appeared to have a respiratory illness was separated from other employees and sent home.

Employees who remained at city buildings to perform their work were staggered on certain days, in order to leave smaller crews on-site, to avoid standing within six feet of other individuals. Some employees were relocated and provided additional resources in order to avoid the shared use of offices, desks, telephones, and toilet equipment. Employees should and have been remaining in their assigned work areas as much as possible. Employees whose job duties regularly require them to be within six feet of members of the public were provided with appropriate personal protective equipment (PPE) or physical barriers commensurate with their level of risk of exposure to COVID-19. (Exhibit A) The number of employees permitted in any building/office/hallway from here on out shall be limited to ensure social distancing practices can be followed.

On February 26, 2020, CDC posters were posted in all city buildings instructing employees and visitors to wash their hands frequently, to cover their coughs and sneezes with tissue, and to avoid touching their faces. Employees and the public had access to restrooms to frequently wash their hands and were given access to hand sanitizer at each department front counter (also on February 26, 2020). Employees also had access to tissues and places to properly dispose of them. Signs regarding proper hand washing methods were posted in all restrooms. Hand shaking was discouraged and will further be prohibited to ensure good hand hygiene. (Exhibits A, G, I)

On February 26, 2020, I directed the Public Services Department and Building Maintenance Division to increase cleaning and disinfecting of surfaces, equipment, and other elements of the work environment daily using products containing EPA-approved disinfectants. Employees were provided with access to disposable disinfectant wipes so that their workspaces and any commonly used surfaces could be wiped down before each use. In the event that an employee that has been

- If they have been exposed to a COVID-19 positive person, meaning:
  - An immediate family member has tested positive for or exhibited symptoms of COVID-19; or
  - In the last 14 days, the employee came in close contact with someone who has tested positive for COVID-19.

If an employee/visitor of one of the City of Warren's senior housing facilities believes that he or she qualifies as a Suspected Case (as described above), he or she must:

- Immediately notify supervisor and Human Resources/Administrator of office;
- Self-quarantine for 14 days; and
- Seek immediate medical care or advice.

If an employee qualifies as a Suspected Case, then the City of Warren will:

- Notify all employees/visitors of one of the City of Warren's senior housing facilities who may have come into close contact (being within approximately six feet for a prolonged period of time without PPE) with the employee in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy); and
- Ensure that the employee/visitor of one of the City of Warren's senior housing facilities' work/living area is thoroughly cleaned.
  - These measures have already been taken/were followed in several departments already:
    - Senior Housing
    - Police
    - Fire
    - Building

An employee/visitor of one of the City of Warren's senior housing facilities is considered a Confirmed Case of COVID-19 if the person tested positive for COVID-19 or had a health screening with a healthcare provider and that provider deemed them positive.

If an employee/visitor of one of the City of Warren's senior housing facilities believes that he or she qualifies as a Confirmed Case (as described above), he or she must:

- Immediately notify supervisor and Human Resources/Administrator of Office of his or her diagnosis; and
- Remain out of the workplace until they are cleared to return to work.
  - This has already taken place in the following departments:
    - Senior Housing
    - Police

If an employee/visitor of one of the City of Warren's senior housing facilities qualifies as a Confirmed Case, then the City of Warren will: (Exhibit J)

- Notify all employees/visitors of one of the City of Warren's senior housing facilities who may have come into close contact with the employee (being within approximately six feet for a prolonged period of time without PPE) in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy);

in the workplace in the past 14 days test positive for COVID-19, additional cleaning will be conducted. This was demonstrated in one of our departments already in late March, 2020. (Exhibit A, C)

On February 26, 2020, I also directed the Police Commissioner and Fire Commissioner to implement special COVID-19 training to all our police and fire department personnel. In addition, dispatch works able to assist responding exposure to our first responders through a series of screening questions. (Exhibit A, H)

- Our Fire Department was able to secure cleaning/disinfecting supplies, special oxygen units, and PPE to maintain our Ambulance and shared spaces.
- Our Police Department was also armed with PPE implemented one team portable devices.

We have not allowed visitors into any city buildings since March 23, 2020 (Community Center) and March 24, 2020 (City Hall, Library, etc.) Visitors are only allowed in the workplace if they are deemed essential to address an issue related to critical infrastructure operations. (Exhibits C, D)

In early March 2020 I announced City of Warren Parks will remain open, while play structures have been taped off and their use is prohibited. I have encouraged walking and jogging in the parks while following appropriate social distancing guidelines of maintaining six-foot of space between individuals. (Exhibit E)

To ensure a safe work environment and to remain consistent with the Governor's order all visitors entering city buildings MUST have a face covering, making certain they breathe and cover the properly covered. All visitors shall be screened prior to entering the building. A screening questionnaire will be utilized to decide if the visitor can enter the building. If a visitor presents with symptoms of COVID-19 or answers yes to any of the screening questions we will not allow them into the building. We will provide the visitor with a handout explaining what to do if they might have COVID-19. (Exhibit H, I)

An entry screening questionnaire should be completed by all employees before being permitted to enter the workplace and should comply with any required screening process by health professionals. Any individual taking employee temperatures will be required to wear appropriate personal protective equipment. If an employee fails the screening process, he or she should be sent home until allowed to return to work under the relevant executive orders and public health orders. (Exhibit J)

We implemented this same offer we moved to a work from home mode on March 23, 2020. An employee or visitor of one of the City of Warren's senior housing facilities is considered to have a Suspected Case of COVID-19 if:

- They are experiencing any of the following COVID-19 symptoms:
  - Fever
  - Persistent cough
  - Shortness of breath

- Ensure that the entire workplace, or affected parts thereof (depending on employee's presence in the workplace), is thoroughly cleaned and disinfected;
- If necessary, close the work area or workplace, until all necessary cleaning and disinfecting is completed; and
- Communicate with employees about the presence of a confirmed case, the cleaning/disinfecting plans, and when the workplace will reopen.
  - This took place and was implemented in the Building Division and Senior Housing.

Consistent with Executive Order 2020-36, Employees who test positive for COVID-19 or display one or more of the principal symptoms of COVID-19 (fever, uncharacteristic cough, or uncharacteristic shortness of breath) will not be permitted to return to work until either:

1. Both 3 days have passed since their symptoms have resolved and 7 days have passed since their symptoms first appeared or since they were evaluated for the test that yielded the positive result; or
2. They receive a negative COVID-19 test.

Employees who have been in "close contact" (being within approximately six feet for a prolonged period of time) with an individual who tests positive for COVID-19 or who displays one or more of the principal symptoms of COVID-19 will not be permitted to return to work until either:

1. 14 days have passed since the last close contact with the sick or symptomatic individual; or
2. The symptomatic individual receives a negative COVID-19 test.

"The 'close contact' rule does not apply to the following classes of workers: health care professionals; workers at a health care facility (including hospitals, surgical centers, health maintenance organizations, nursing homes, hospices, and veterans' facilities); first responders (e.g., police officers, fire fighters, paramedics); child protective service employees; workers at child care institutions, as defined in MCL 222.111; and workers at educational facilities.

I directed all city department heads to prioritize their staffing to perform essential functions on the workplace on a daily basis as soon as they can by employees are absent. We also utilized various methods of means to communicate important messages to employees and residents. (Exhibit L)

- Newsletter
- Newsletter Magazine
- Water Bill Flyer
- Social Media
- City Website
- Press Releases
- FBA's
- Radio
- TV (both City Cable and broadcast)

A employee I am most proud of is that city services have been able to run smoothly and continuously, coupled with the assistance to residents that I have implemented. (Exhibits C, F, G, H, I)

- Sanitation is on time and consistent, as well as recycling and compost

Ex 30 p2

- I made the decision to not enforcing grass cutting fines in order to allow for safe and clean neighborhoods free of rodents, etc.
- Suspended Water Shut-Offs
- WWTP is functioning
- Established Food Assistance Hotline
  - Partnered with local food pantries
- Partnership to bring more food to Warren residents through Forgotten Harvest, Gleaner's and Salvation Army

**EXHIBIT A**

FOR IMMEDIATE RELEASE  
February 26, 2020

Contact: Mayor Jim Fouts  
Telephone: (586) 574-4520

Warren Mayor Jim Fouts  
Prepares Warren For Influenza Spring A  
And Coronavirus (COVID-19)

Warren, MI – Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

These steps have been taken to protect the citizens of Warren during a potential threat to their health:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have issued all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department counter, to reduce the spread of all viruses.
- I will be setting up meetings at local hospitals (Beaumont and St. John Ascension) to make sure they have protocols in place.
- We will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves will be available for residents visiting city hall, and employees.

10

9

This virus also affects the economic stability of not only China but also the U.S. and the world. I think our companies may have to rethink investment in China.

The great economic boom that we have had may now have a downturn into a nasty recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a series of proactive steps I have authorized City Administrators to implement a number of preventative measures.

For further information, please visit the Center for Disease Control and Prevention website at [www.cdc.gov](http://www.cdc.gov) and the Michigan Department of Health and Human Services at [www.michigan.gov/dhhs](http://www.michigan.gov/dhhs)

**There is still more to be learned**

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. New information will further inform the risk assessment.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Skip McAdams, and all first responders are diligently working to ensure your safety.

Finally, my goal continues to be to serve and protect the citizens and visitors in Warren.

**I WANT EVERYONE TO BE PREPARED NOT SCARED!**

**EXHIBIT B**

March 12, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOUTS TO ANNOUNCE ACTIONS WARREN WILL BE TAKING IN REGARDS TO COVID-19**

Coronavirus (COVID-19) actions will be announced later today to serve and protect all people in Warren.

- 1) I will be meeting with major department heads at Noon today.
  - 2) I will also be meeting with members of the various churches in Warren later today after the staff meeting.
  - 3) I will also be contacting leaders of the various school districts in Warren.
  - 4) I will also contact some major state leaders.
- I did receive a call from the Governor yesterday. After all of the above I will then announce additional actions that Warren will be taking to protect people against this virus. I am also requesting that all political leaders in Warren put aside their differences to be united to serve and protect our citizens. All hands on deck for this pandemic and no time for political games or partisanship!

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts  
City of Warren  
One City Square Suite 215  
Warren, MI 48093-6720  
586-574-4520  
[mayor@cityofwarren.org](mailto:mayor@cityofwarren.org)  
[www.cityofwarren.org](http://www.cityofwarren.org)

11

12

Ex 30 p3

## EXHIBIT C

March 12, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - COVID-19 ACTION BY MAYOR FOUTS**

Below is a list of actions I have immediately issued to protect Warren citizens:

- 1) Moratorium on Water shutoffs.
- 2) Friday Closure of Warren Community Center, Fitzgerald Recreation Center, and Owen Jax Center thru the end of March. Transportation for seniors and those with special needs will remain active. Meals on Wheels at Owen Jax will also tentatively remain active. Civic Theatre Productions on hold.
- 3) Fire and Police have protocol for assessing potential patients with coronavirus.
- 4) All non-essential persons prohibited from senior housing facilities at Silwell and Joseph Coach. All gatherings for various activities such as St. Patrick's Day, Bingo, Euchre, and other such events cancelled.
- 5) Human Resources will be issuing guidelines to all employees regarding proper steps to take to limit exposure.
- 6) Building Maintenance will have stepped up efforts to sanitize all publicly utilized areas, including railings, elevators, door knobs and counter tops. This includes repeated cleaning throughout the day.
- 7) All children's toys have been removed from Libraries and additional efforts have been issued involving cleaning kiosks and keyboards, and patrons will be scanning their own library cards.
- 8) City inspectors also have protocol in place to assess the homes/facilities before they enter.

I have met with several religious leaders and school officials and both have taken proper precautionary efforts and will cooperate and collaborate with the city to protect their parishioners. I will discuss more of this later.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
www.cityofwarren.org

13

## EXHIBIT D

March 13, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE FROM WARREN MAYOR JIM FOUTS REGARDING WARREN CLOSURES/ACTIONS PERTAINING TO CORONAVIRUS (COVID-19)**

ATTENTION: I have ordered the following Warren closures due to the coronavirus epidemic:

- 1) All Warren Public Libraries will be closed effective this Monday thru at least the end of the month.
- 2) Warren City Hall will be closed to the public effective this Monday thru at least the end of the month.
- 3) All city personnel will still be reporting to work and we will take emails and phone calls as well.
- 4) AARP tax service will also be closed until further notice.

Note: I have received reports that there maybe suspected cases of the virus in Warren. I await further information including additional testing. This is a FLUID situation and subject to change. GM has also closed down the Tech Center except for essential staff. The GM Tech Center is directly across from Warren City Hall. The Governor is also recommending that all houses of worship should be closed if over 250 people are gathering. I have received calls and suggested to Pastors that they too consider closure in order to make it safe for their parishioners.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
www.cityofwarren.org

14

## EXHIBIT E

March 19, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOUTS DECLARES A STATE OF EMERGENCY**

As the chief executive (Mayor) of Warren, I have officially declared a State of Emergency for the city of Warren effective Monday March 23, 2020. This will do the following:

- 1) Employees will be able to work from their homes. This allows a safe distancing between city employees to ensure their safety by having minimum contact with other employees. This will help to deter the spread of the coronavirus.
- 2) This will allow me to designate our three community centers\* as health auxiliary facilities. This will assist first responders and the medical community when the need arises.
- 3) Essential services will remain in operation during this crisis.
- 4) I will continue working at Warren City Hall, although many employees will be working from home through telecommunications.

\*Warren Community Center, Owen Jax Center and Fitzgerald Recreation.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
www.cityofwarren.org

15

## EXHIBIT F

March 25, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOUTS ESTABLISHES WARREN EMERGENCY FOOD HOTLINE DURING COVID-19 CRISIS**

During this time of great crisis we need to focus on two words: Faith and Facts. I have an EMERGENCY HOTLINE 586-574-4526 for senior Warren residents as well as those with pre-existing conditions who are in need of food. Please for those only who are in great need! This will be coordinated with local food pantries and volunteers from Warren. Those wishing to help out can also call the HOTLINE number 586-574-4526. Indicate that you are able to assist and leave your phone number. THANK YOU!

Can be reached at Office 586-574-4522, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
www.cityofwarren.org

16

Ex 30 p4

**EXHIBIT G**

April 5, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN -  
Mayor Fouts Arranges Forgotten Harvest At Warren City Hall Every Monday**

Forgotten Harvest will be at Warren City Hall from 9 AM until 1 PM every Monday for the next six weeks to provide free food packages for unemployed needy Warren residents. They will have up to 750 packages. No contact as they will put the food packages in the clean trunk of your car. We have Warren volunteers to help out every Monday. Go to the south parking lot for the food distribution!

Office 586-574-4520, Cell 586-481-0545, Home 586-573-5058.

Sincerely,

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
www.cityofwarren.org

17

PUT OUT A REQUEST FOR PPE FOR THAT HOSPITAL. "Help is on the way from Michigan supplies.

"I Don't go to the hospital unless you are very sick as our hospitals are overwhelmed with coronavirus cases. It's somewhat dangerous to go to a hospital at this time. Do work on supporting our medical personnel with any support including masks, lunch catered from a local restaurant, and support for their sacrifice and work that they do! I have arranged for a place in Warren to supply our hospital people in Warren with lunch.

Please support PRESIDENT TRUMP on his strong recommendation that we all follow guidelines indicating that you wear a mask when outside your home. And stay home for the next 3 weeks. We must follow the suggestions of our President, the CDC, and our Governor."

Thank You!

"On a conference call with the White House today President Trump informed us of the various equipment being received. Such as 100,000 ventilators are on their way. He stressed that the government is working diligently to make sure all hospitals are adequately supplied.

Office 586-574-4520, Cell 586-481-0545, Home 586-573-5058.

Sincerely,

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
www.cityofwarren.org

19

**EXHIBIT H**

April 8, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE  
FROM MAYOR FOUTS ON COVID-19 CONCERNS/QUESTIONS**

PLEASE BE SAFE by staying home this week with safe distancing. The coronavirus is highly contagious and can last 3-4 days on surfaces!  
I have requested some clarifications from the Governor's office regarding Michigan's COVID-19 concerns and questions.....

1) LANDSCAPING Service ban- Apparently and unfortunately it is an official state order. The position is that in Warren if you are merely using a service for lawn cutting and edging, you are more than that, the city will not be issuing tickets. Anything else is not a necessary service to adhere to the state mandate. I do respectfully disagree and view lawn service as a necessary service for seniors and those with special needs.

2) UNEMPLOYMENT checks- They are currently overwhelmed with calls and requests. I suggested that you log in and do your request over the internet rather than by phone. It takes you about 20 minutes to complete and then your check will be in the mail.

3) FASTEST WAY TO FILE ONLINE is if your last name begins with A-L file Monday, Tuesday or Wednesday or Friday, M-Z File Sun, Tues or Thurs. Anyone unable to do that must file on Saturday.

4) Governor has taken charge of getting needed supplies for Michigan hospitals and is asking Michigan companies to supply what is only supplied by China. Thank you Governor for this effort.

**ALSO POSTMASTER ANSWERS:**

4) I spoke with the Warren Postmaster and he indicated that mail may be delayed a day or two because of coronavirus illness and 14 day isolation. The main supplier for all Post Offices is in Topeka, Kansas. When they have a problem it affects everyone.

5) The Postmaster has assured me that the mail is safe and that there is no known record of anyone getting the virus from their mail.

**HOSPITALS:**

6) I spoke with some officials at various hospitals in the area and they indicate that they are in need of PPE (personal protective equipment) and that includes N95 masks, gowns, gloves, fluids, eye protectors, and other equipment. NOTE: I spoke with a nurse at Warren Ascension Hospital on 12/14/2019 and she said they are in great need for N95 masks, gowns, and gloves.

18

**EXHIBIT I**

April 10, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE  
FROM MAYOR FOUTS ON WARREN SANITATION EFFORTS-LAWN MOWING**

Great news! employees at Sanitation & DPW makes Warren the best in the Metro area! We are the only city in this area that is still picking up everything including compost. All other surrounding cities are NOT picking up compost. What's next for these cities? Recycling? Garbage? These surrounding cities also have private sanitation services and we do not! In Warren we invested NINE MILLION DOLLARS on new one man mechanized sanitation trucks and garbage cans. These adhere to social distancing and are safer for the workers since they don't have to touch the trash. So while trash pick up in other cities is languishing Warren is completing the job.

My priority is always to serve and protect our citizens and that's why I also will NOT ticket people for lawn cutting and edging. That's an essential service and without that service we would have tall weeds, rats, mice, and mosquitoes. Our neighborhoods would become blighted and blight begets blight. Warren has one of the largest populations of senior citizens and they depend upon a lawn service as do many people with various special needs due to injury and illness. I admire and commend Governor Whitmer's effort to keep us safe but prohibiting grass cutting is one that I must respectfully disagree with.

However, I urge Warren residents to try to get by without lawn cutting until it is absolutely necessary. At least for the next few weeks. The Governor's office responded to my lawn cutting question by saying: "No, EXCEPT IF THE SERVICE IS NECESSARY TO MAINTAIN AND IMPROVE THE SAFETY, SANITATION, AND ESSENTIAL OPERATIONS OF A RESIDENCE." My interpretation of this quote is that you have cutting is an essential service! I do strongly support the Governor's efforts to keep us safe by social distancing.  
"Only mechanized sanitation city in the metro area with the exception of Grosse Pointe.

"That's why we will not be ticketing lawn services for grass cutting and edging. However, this does not mean we will not ticket for other services.

Office ..... Cell ..... Home .....

Sincerely,

Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
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20

Ex 30 p 5

## EXHIBIT J



April 20, 2020

Dear Residents,

This letter is to educate and update Stillwell/Joe Creek residents about the unprecedented challenge of coronavirus (COVID-19). We recognize this is an frightening time and has impacted all our lives. We value all our residents and will follow guidelines support from our leaders to help protect members of our community during this pandemic.

The Centers for Disease Control and Prevention (CDC) states that the best way to avoid this health issue is through prevention:

- Stay home if you are sick & avoid contact with people who are sick.
- If you must leave your apartments for essential needs, please practice social distancing by staying 6 feet apart from others.
- Cover your mouth and nose with a tissue when cough or sneeze or use the inside of your elbow.
- Wash your hands frequently with soap & water for 20 seconds if unavailable, use hand sanitizer that contains at least 60% alcohol.
- Avoid touching your eyes, nose, and mouth with unclean hands.
- Wear a cloth face cover in public if a mask is unavailable you can wear a scarf, bandana and or you can make your own (you could spread the virus even if you do not feel sick).
- Clean and disinfect frequently-touched surfaces.

When we expect from you is to follow the CDC guidelines, as listed above and urge you to take these extra safety measures to help prevent the spread of the virus:

- Stay in your apartment if possible and avoid contact with others.
- Avoid any gatherings in your unit or any common areas.
- Do not have visitors unless essential for food or medicine.

21



- Do not congregate outside to smoke.

In addition to the above personal guidelines, we continue to implement property-level measures, including frequent cleaning, sanitizing of the corridors and all common areas throughout the community to minimize the spread of any virus.

If you have any symptoms related to the virus or feel sick with a fever, cough or difficulty breathing please isolate yourself and contact your health care provider. Many providers are providing curbside testing and you must contact your doctor for a prescription to do so. You can also call the COVID-19 helpline for a health screening at 833-559-0659.

We know many residents have questions and concerns due to the COVID-19 exposure within their community/building. While privacy laws prohibit any unauthorized disclosure of an individual's health information, we are working with legal counsel to provide you with information and updates as appropriate with great understanding and empathy, we continue to make the safety, well-being, privacy, and dignity of our residents a top priority.

Most business offices are closed, but if you have IRS questions you can contact the IRS on the web at [IRS.gov](https://www.irs.gov) or by telephone at 800-829-1040, 7 a.m. to 7 p.m. Additionally, if you need help with food assistance, please contact the office and additional resources will be provided.

If you have questions or concerns or would like to share information with management, contact the office of Stillwell/Joe Creek at 506-756-1310.

With sincerest appreciation,

Management

22

April 22, 2020



Dear Residents,

The Emergency Management Act gives the governor broad power to cope with danger in Michigan and state a disaster or emergency. The governor implements these powers through executive orders ("EOs"), which have the force and effect of law.

As you know, on March 10, Governor Whitmer declared a state of emergency and on April 1, declared a state of emergency and state of disaster.

On April 9, she signed EO 2020-42 to suspend all social activities until the end of April. This EO has the force and effect of law and states:

1. All individuals must stay at home.
2. All gatherings of people not part of a single household is prohibited.
3. All people who leave home must practice the social distancing measures recommended by the Centers for Disease Control and Prevention ("CDC"). See below.
4. No person shall operate a business that requires workers to leave their homes unless those workers are necessary to sustain or protect life or conduct minimum basic operations ("critical infrastructure workers").

There are limited exceptions to the stay at home rule:

1. To engage in outdoor physical activity such as walking, hiking, running, cycling, kayaking, canoeing, or other similar physical activity, as well as any comparable activity for those with limited mobility.
2. To perform a job as a critical infrastructure worker.
3. To pick up medication or seek emergency medical or dental care.
4. To purchase groceries, take-out food, gasoline, needed medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of their homes.

Governor Whitmer stated:

"This virus is both aggressive and persistent... To win this fight, and to protect the health and safety of our state and each other, we must be just as aggressive and persistent."

EO 2020-42.

As tenants, you must do your part to help fight this virus. Your Lease requires you to comply with all laws and refrain from conduct that disturbs, harasses, annoys, or endangers other tenants. See §§ 9 and 25 of your Lease.

23

April 22, 2020



EO 2020-42 is the law, designed to:

"suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths...."

EO 2020-42. Alleged violations of this law and your Lease will be taken very seriously and investigated to the fullest extent possible.

We continue to implement property-level measures to protect your health and safety and expect all residents and staff to follow the CDC recommendations:

- Stay informed the best way to prevent illness is to avoid being exposed to this virus, visit [www.cdc.gov](https://www.cdc.gov).
- Avoid close contact with sick people, stay at home as much as possible.
- Put at least 6 feet of distance between yourself and other people.
- Wash your hands often with soap and water for at least 20 seconds, or if this not available, use a hand sanitizer that contains at least 60% alcohol.
- Avoid touching your eyes, nose, and mouth.
- Wear a cloth face cover in public (you could spread the virus even if you do not feel sick).
- Cover your mouth when coughing or sneezing; immediately wash your hands.
- Clean and disinfect frequently touched surfaces.
- If you feel sick with fever, cough, or difficulty breathing isolate yourself and seek immediate medical care.

We urge all residents to take extra steps to help prevent the spread of the virus:

- Stay in your apartment if possible and avoid contact with others.
- Avoid any gatherings in your unit, patio, or any common areas.
- Do not have visitors unless essential for food or medicine.
- Do not congregate outside to smoke.

If you have questions or concerns, or would like to share information with management, please contact the office of Stillwell/Joe Creek at 506-756-1310.

Management

24

Ex 30 p6

